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02 JANUARY 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their Chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, January 2, 1986 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

Commissioner Alfred J. Nelder presiding.

1. Attorney-Client Conference

02 JANUARY 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their Chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 2, 1986 at 1730 hours in a Regular Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

Commissioner Alfred J. Nelder presiding.

APPROVAL OF MINUTES OF THE MEETING OF NOVEMBER 14, 1985

Approval of Minutes of the Meeting of November 14, 1985. The Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 5-86

MARIO VALENCIA vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mario Valencia in the sum of $11,000.00 entitled "Mario Valencia vs. City and County of San Francisco, a municipal corporation, Scott G. Quinn, Niall Philpott, DOES One through Fifty, inclusive" in Superior Court No. 838-465 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 10, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 20-86

DOROTHY SCHILDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy Schildt in the sum of $92.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1985
(Hearing Date) August 9, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

RESOLUTION NO. 21-86

ABC TOWING (TREAT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Treat) in the sum of $124.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION 22-86

MICHAEL JOYCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Joyce in the sum of $84.30 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 23-86

JOHANNA MAXFIELD

RESOLVED, that the recommmendation of the City Attorney for settlement of the claim of Johanna Maxfield in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 24-86

MARCEL STROMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marcel Stroman in the sum of $69.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

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RESOLUTION NO. 30-86

JANICE J. POMMIER

RESOLVED that the recommendation of the City Attorney for settlement of the claim of Janice J. Pommier in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 31-86

MILTON C. LAGRAHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Milton C. Lagraham in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 32-86

DIANE KAUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane Kaus in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date on Incident: October 13, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 33-86

MARK HUNTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Hunter in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 34-86

ANNETTE DIANE THIESSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Annette Diane Thiessen in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 40-86

MELILINE WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Meiline Wong in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 41-86

HEATHER STUART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heather Stuart in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 42-86

JAMES H. ROSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James H. Ross in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 43-86

JEFF PORTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeff Porter in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 44-86

RONALD J. PAYNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald J. Payne in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commission Sanchez

RESOLUTION 45-86

CHRISTINE MASON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Mason in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 46-86

PAOLA MARRA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paola Marra in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 47-86

ALAN LUBLINER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Lubliner in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 48-86

BILL R. JEPHSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bill R. Jephson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unknown
Hearing Date: September 13, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 49-86

CORONETTE GUILLORY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Coronette Guillory in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 50-86

MICHAEL VISCONTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Visconti in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 23, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 51-86

WENDY WERBY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendy Werby in the sum of $53.25 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 52-86

YELLOW CAB CO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Company in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 53-86

HOPE CASARENO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hope Casareno in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 54-86

SPYRKA CZESLAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Spyrka Czeslaw in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 55-86

ABC TOWING (WILLIAMS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of of ABC Towing (Williams) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 57-86

ELAINE JOE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elaine Joe in the sum of $10.00 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: October 10, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

AUTHORIZATION OF LIEUTENANT RICHARD CAIRNS TO ATTEND THE FBI NATIONAL ACADEMY IN QUANTICO, VA FROM JANUARY 5th TO MARCH 21, 1986

RESOLUTION NO. 8-86

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard Cairns, Intelligence Division, be authorized to attend the Federal Bureau of Investigation National Academy in Quantico, Virginia from January 5 to March 21, 1986, is hereby approved; and be it further

RESOLVED, that all travel expenses will be paid by the U.S. Department of Justice; the Department Training Fund will advance $800.00 for the purchase of required training materials and to supplement the minimal allowance for subsistence.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

AUTHORIZATION OF LIEUTENANT ROBERT BERRY AND 24 OTHER LIEUTENANT'S. TO ATTEND THE ACHIEVING EXCELLENCE IN LAW ENFORCEMENT COURSE IN TIBURON, CALIFORNIA FROM JANURAY 22nd TO JANUARY 23, 1986

RESOLUTION NO. 9-86

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Robert Berry, Technical Services Bureau, and twenty-four (24) other lieutenants to be chosen from the ranks of the Department, be authorized to attend the Achieving Excellence in Law Enforcement Course, conducted by the Pacific Institute in Tiburon, California from January 22 to January 23, 1986, is hereby approved; and be it further

RESOLVED, that expenses not to exceed $1,200.00 for class and equipment rental and meals will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 58-86

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Inspector Hans Anderson (Sexual Assault Investigation
Inspector Brad Nicholson (Gilroy, California
(10/28/85 - 10/30/85
($432.00

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 59-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Sgt. James B. Hall (S.W.A.T. Refresher Ford Ord, CA
(11/05/85 - 11/06/85
(8 members attending $1,056.00

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 60-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of The Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Sgt. Robert Hankins (S.W.A.T. Refresher Ford Ord, CA
(11/19/85 - 11/20/85
(8 members attending #1,056.00

RESOLUTION NO. 61-86

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Chris Johansen, (California Association of Criminalist
Criminalists Seminar
Michael Tan, (Los Angeles, California
Criminalists (10/24/85 - 10/26/85
($343.00 each

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

RESOLUTION NO. 62-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Inspector Robert Huegle (Training Seminar in the Preparation & Investigation of Sexual Assault & Child Abuse
(Stateline, Nevada
(11/08/85
($107.25

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

RESOLUTION NO. 63-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Gerald J. Schmidt (Fingerprint-Advanced Course
(Eureka, California
(10/28/85 - 11/01/85
($429.50

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

No report.

RECOMMENDATION OF THE AWARDS COMMITTEE

The following-named members of the Police Department will be presented Medal of Valor Awards and Certificates at the Police Commission Meeting on Thursday, February 6, 1986, at 1800 hours. All members, their families and friends are invited to attend.

Edward B. Dullea	Silver Medal
Jeremiah W. Morgan	Silver Medal
*Reno L. Rapagnani	Silver Medal
*William S. Taylor	Silver Medal
Kevin Whalen	Silver Medal
William Wohler	Silver Medal

(*Two Silver Medals)

David Christensen	Bronze Medal
Ignacio Fuentes	Bronze Medal
James Meyer	Bronze Medal
Lawrence Price	Bronze Medal
Richard R. Weick	Bronze Medal
Victor Aissa	Bronze Medal
Robert Bohanan	Bronze Medal
Craig M. Brandolino	Bronze Medal
William Brunicardi	Bronze Medal
Lorie A. Collins	Bronze Medal

Edward Collins	Bronze Medal
Gordon G. Clark	Bronze Medal
Kenneth Esposto	Bronze Medal
Jonathan Fong	Bronze Medal
Ricardo L. Galande	Bronze Medal
Daniel Gardner	Bronze Medal
Stephen Gough	Bronze Medal
Laura Heaton	Bronze Medal
George L Huegle	Bronze Medal
Peter Ionin	Bronze Medal
Ivan W. Jackson	Bronze Medal
David Kamita	Bronze Medal
*Albert Lum	Bronze Medal
Robert Mammone	Bronze Medal
Glendon Melanson	Bronze Medal
William Minkel	Bronze Medal
Michael J. Moran	Bronze Medal
Stephen J. Mulkeen	Bronze Medal
Michael Niland	Bronze Medal
Maria Oropeza	Bronze Medal
Andrew A. Rolfes	Bronze Medal
Nicholas Rubino	Bronze Medal
Manuel C. Solano	Bronze Medal
Arthur Stellini	Bronze Medal
Robert L. Red	Bronze Medal
Jere Williams	Bronze Medal
Bryan Woo	Bronze Medal

(*Two Bronze Medals)

Lorin DuBour	Meritorious Award
Frank Falzon	Meritorious Award
Carl Klotz	Meritorious Award
Donnie Hansen	Meritorious Award
Alfredo Matteoni	Meritorious Award
Michael Mullane	Meritorious Award
James L. Batchelor	Meritorious Award
*Fred Crisp	Meritorious Award
Brian M. D'Arcy	Meritorious Award
Robert J. DelTorre	Meritorious Award
Heinz H. Hofmann	Meritorious Award
*Robert McMillan	Meritorious Award
Ronald Roth	Meritorious Award
John R. Schmolke	Meritorious Award
Richard G. Sheehan	Meritorious Award
Patrick Tobin	Meritorious Award
Daylene Wood	Meritorious Award

(*Two Meritorious Conduct Awards)

RESOLUTION NO. 116-86

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, December 20, 1985; and

WHEREAS, Chief of Police Cornelius P. Murphy, has recommended to The Police Commission that the said members be rewarded under the provisions of Section 8.405 (a) (4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Edward B. Dullea; Officer Jeremiah W. Morgan; *Officer Reno L. Rapagnani; *Officer William S. Taylor; Officer Kevin Whalen; and Officer William Wohler; be, and they are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Lieutenant David Christensen; Sergeant Ignacio Fuentes, Jr.; Sergeant James Meyer; Sergeant Lawrence Price; Sergeant Richard R. Weick; Officer Victor Aissa; Officer Robert Bohanan; Officer Craig M. Brandolino; Officer William Brunicardi; Officer Lorie A. Collins; Officer Edward Collins; Officer Gordon G. Clark; Officer Kenneth Esposto; Officer Jonathan Fong; Officer Ricardo L. Galande; Officer Daniel Gardner; Officer Stephen Gough; Officer Laura Heaton; Officer George L. Huegle; Officer Peter Ionin; Officer Ivan W. Jackson; Officer David Kamita; *Officer Albert Lum; Officer Robert Mammone; Officer Glendon Melanson; Officer William Minkel; Officer Michael J. Moran; Officer Stephen J. Mulkeen; Officer Michael Niland; Officer Maria Oropeza; Officer Andrew A. Rolfes; Officer Nicholas Rubino; Officer Manuel C. Solano; Officer Arthur Stellini; Officer Robert L. Red; Officer Jere Williams and Officer Bryan Woo, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Inspector Lorin Dubour; Inspector Frank Falzon; Inspector Carl Klotz; Inspector Donnie Hansen; Inspector Alfredo Matteoni; Inspector Michael Mullane; Officer James L. Batchelor; *Officer Fred Crisp; Officer Brian M. D'Arcy; Officer Robert J. DelTorre; Officer Heinz H. Hofmann; *Officer Robert McMillan; Officer Ronald Roth; Officer John R. Schmolke; Officer Richard G. Sheehan; Officer Patrick Tobin, and Officer Daylene Wood, are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

(*Members receive two (2) Awards and Rewards)

AYES: Commissioners Davis, Giraudo, Owens, Nelder
ABSENT: Commissioner Sanchez

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT THE GIFT OF A HORSE VALUED AT $3,000 FOR USE BY THE MOUNTED UNIT, FROM MRS. CHARLOTTE PETTEY

RESOLUTION NO. 10-86

WHEREAS, Mrs. Charlotte A. Pettey has expressed a desire to donate a horse for the use of the San Francisco Police Department Mounted Unit, and

WHEREAS, this civic minded gesture will provide needed assistance in the protection of life and property in San Francisco, and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the department head of those gifts to the City and County of San Francisco of a value of Five Thousand ($5,000) Dollars or less, and

WHEREAS, it is necessary for a resolution by the Police Commission to authorize the acceptance of such gifts, and

WHEREAS, the generous gift from Mrs. Pettey has an appraised value of Three Thousand ($3,000) Dollars; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift from Mrs. Charlotte A. Pettey of the horse "Mr. Mingus", to be used by the San Francisco Police Department Mounted Unit.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE JITNEY BUS PERMIT #100 HELD BY MR. JOSEPH GALLI

Continued 30 Days.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE JITNEY BUS PERMIT NO. J74 HELD BY MR. AUGUST MANISCALCO

Continued one (1) week.

DEPARTMENT GENERAL ORDER B-1, "PHYSICAL AGILITY STANDARDS, PHYSICAL FITNESS STANDARDS" - APPROVED

RESOLUTION NO. 11-86

RESOLVED, that the Police Commission hereby adopts Department General Order B-1, "Physical Agility Standards, Physical Fitness Standards".

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

PROPOSED AMENDMENT TO ADMINISTRATIVE CODE PERMITTING HOLD HARMLESS AGREEMENTS FOR USE OF AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

RESOLUTION NO. 12-86

WHEREAS, the Cities of Oakland, Pacifica and South San Francisco have requested to enter into agreements for the use of the San Francisco Police Department's Automated Fingerprint Identification System, and

WHEREAS, the proposed agreements contain reciprocal hold harmless agreements, and

WHEREAS, under the Charter of the City and County of San Francisco, only the Board of Supervisors may enter into hold harmless agreements absent an explicit grant of such authority in the Administrative Code to a Board or Commission of the City and County, and

WHEREAS, it is anticipated that the Police Department may, in the future, wish to enter into additional such agreements containing hold harmless agreements with either the State of California or Counties or Cities thereof; therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby requests the Board of Supervisors to amend the San Francisco Administrative Code by adding Section 1.26-1 thereto authorizing the Police Commission to enter into agreements to allow the use of the San Francisco Police Department Automated Fingerprint Identification System equipment by the State of California and Counties and Cities of the State of California and to allow the San Francisco Police Department to use the Automated Fingerprint Identification System equipment of other such agencies.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

AMENDMENT TO MUNICIPAL POLICE CODE SECTION 1036.1 ON MECHANICAL AMUSEMENT DEVICES SUCH AS PINBALL AND VIDEO GAME MACHINES

RESOLUTION NO. 13-86

WHEREAS, the Police Department has had difficulty in ascertaining the ownership of certain mechanical amusement devices, and

WHEREAS, such determination is necessary to the successful prosecution of cases involving the use of mechanical amusement devices and gambling devices, and

WHEREAS, many of the existing mechanical amusement devices currently in operation in the City and County have affixed to them information identifying the owner and making the placement of such information mandatory, would standardize the practice in the business city-wide; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt an amendment to Section 1036.1 of the Police Code requiring a label or decal identifying the owner of each mechanical amusement device in use in the City and County of San Francisco.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

AMENDMENT TO MUNICIPAL POLICE CODE SECTION 21 "CONSUMING ALCOHOLIC BEVERAGES IN PUBLIC STREETS, ETC., OR ON PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED"

RESOLUTION NO. 14-86

WHEREAS, Municipal Police Code Section 21, entitled "Consuming Alcoholic Beverages in Public Streets, etc., or on Public Property Open to Public View Prohibited" is punishable as a misdemeanor, and

WHEREAS, the resources of the criminal justice system, including the Police Department, District Attorney, courts and jails, can more effectively be utilized if the penalty for violation of Section 21 is an infraction, thus permitting violators to pay a fine or perform community service, and

WHEREAS, this change has the support of the District Attorney for the City and County of San Francisco; therefore be it

RESOLVED, that the Police Commission hereby requests that the Board of Supervisors amend Municipal Police Code Section 21 by adding a paragraph (b) thereto specifying the penalty for violation shall be deemed an infraction punishable by a fine of not less than $50.00 nor more than $500.00.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

DEPARTMENT GENERAL ORDER D-14, ISSUANCE OF CRIME TELETYPES - APPROVED

RESOLUTION NO. 15-86

RESOLVED, that the Police Commission hereby adopts Department General Order D-14, Issuance of Crime Teletypes.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE TO AMEND CHARTER SECTION 8.343 REGARDING POLICE DEPARTMENT DISCIPLINARY PROCEDURES

Continued one (1) week.

STATUS REPORT ON JITNEY BUS OPERATIONS IN SAN FRANCISCO

Continued one (1) week).

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE INSPECTOR WARD L. HOLMES, INVESTIGATIONS BUREAU/ BURGLARY SECTION

RESOLUTION NO. 3-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector Ward L. Holmes, Investigations Bureau - Burglary Section, as follows:

SPECIFICATION NO. 1

Drinking intoxicating liquor while on duty (violation of Rule B-1 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey a lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Inspector Ward L. Holmes, Investigations Bureau, Burglary Section, is set for Thursday, January 9, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JERRY A. NEITZ, MISSION STATION

RESOLUTION NO. 4-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Jerry A. Neitz, Mission Station, as follows:

CHARGE NO. 1

Failure to report for work in a fit condition to perform duty (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to answer truthfully and without evasion questions propounded to him by a superior officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency of discipline of the Department, and which reflects discredit on the Department (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Jerry A. Neitz, Mission Station, is set for Thursday, January 9, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER YVONNE HARBOR, POTRERO STATION

RESOLUTION NO. 1-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Yvonne Harbor, Potrero Station, as follows:

SPECIFICATION NO. 1

Failure to report for duty at the time and place required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department);

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Yvonne Harbor, Potrero Station, is set for Thursday, January 9, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

STATUS REPORT ON POLICE OFFICER GLENN SYLVESTER, MISSION STATION (CONTINUED FROM NOVEMBER 7, 1985)

RESOLUTION NO. 17-86

WHEREAS, the status report of Police Officer Glenn Sylvester, Mission Station, was called it having been set for this date; and

WHEREAS, Police Officer Glenn Sylvester appeared in person and was represented by Mr. Casimer Wilson, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, on Thursday, November 7, 1985, it was the order of the Police Commission that the matter be continued for 49 days, at which time Dr. Norman Steiner, Police Physician, was to be present to submit his recommendation regarding Officer Sylvester's weight problem; and

WHEREAS, it was the recommendation of Dr. Norman Steiner, Police Physician, after perusing Officer Sylvester's medical records, that Officer Sylvester report to him monthly showing a reduction in weight;

WHEREAS, in accordance with Dr. Steiner's recommendation, Chief of Police Cornelius P. Murphy recommended Officer Sylvester be suspended 30 days, to be held in abeyance provided he report to Dr. Steiner monthly for six months; he shall lose 4 pounds monthly for six months. He is to report to Dr. Steiner again prior to appearing before the Police Commission in six months on July 9, 1986. If he is not in compliance in any month during the six months period, the 30 day suspension will be imposed; therefore be it

RESOLVED, that the Commission accepts the recommendation of Chief of Police Cornelius P. Murphy and orders it upon Officer Sylvester to check with Dr. Steiner on a monthly interval to see that he is in compliance

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

STATUS REPORT ON POLICE OFFICER RAOUL PONCE, NORTHERN STATION

RESOLUTION NO. 3-86

WHEREAS, the status report on the disciplinary charges filed against Police Officer Raoul Ponce, Northern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the status report before the Police Commission be set for January 9, 1986; therefore be it

RESOLVED, that the status report on the disciplinary charges filed against Police Officer Raoul Ponce, Northern Station, is set for Thursday, January 9, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioner Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER NATHAN JOHNSON, RICHMOND STATION

RESOLUTION NO. 16-86

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Nathan Johnson, Richmond Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jack L. Burnam, Attorney at Law, representing Officer Nathan Johnson, that the date for the hearing before the Police Commission be set for February 26, 1986; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Nathan Johnson, Richmond Station, is set for Wednesday, February 26, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER EARL E. WISMER, NORTHERN STATION (CONTINUED FROM MEETING OF DECEMBER 12, 1985)

The hearing of Police Officer Earl E. Wismer, Northern Station, was called it having been continued from the meeting of December 12, 1985.

Police Officer Earl E. Wismer appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witness appeared for the Prosecution, was sworn and testified:

Officer Earl E. Wismer Northern Station

The following named witness appeared as Prosecution Rebuttal Witness:

Commander Frank Jordan Metropolitan Division

The following exhibit was entered into evidence by the Defense:

Exhibit A Diagram of Northern Police Station, First Floor

The following exhibit was entered into evidence by the Prosecution:

Exhibit #3 Medical Report

After listening to testimony from the above parties, the matter was continued to Thursday, January 9, 1986 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

Recess taken during the hearing of Officer Earl Wismer:

8:40 p.m. to 8:49 p.m.

(The entire proceedings were taken in shorthand form by Ms Janet Hammerman, CSR.)

THE MEETING WAS THEN ADJOURNED

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

JANUARY 9, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, January 9, 1986, at 1630 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Sanchez, Nelder, Davis, Giraudo, Owens

Commissioner Sanchez presiding.

1. Attorney-Client Conference

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JANURAY 9, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 9, 1986, at 1700 hours in a Regular Meeting.

PRESENT Commissioners Sanchez, Nelder, Giraudo, Davis, Owens.

Commissioner Sanchez presiding.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief's report was called and Chief Cornelius P. Murphy then submitted the following:

"Dear Commissioners:

Submitted for your information if a State of the Department message which recounts the events on my administration. In summary the report chronicles the accomplishements and the mishaps of the department from 1980 to 1986 and presents a clear picture showing that much has been done and there will always be things remaining to be done and the department in my opinion is now in a condition for me to announce my retirement as a member and Chief of the San Francisco Police Department.

Therefore, I wish to inform you, with a sense of accomplishment, pride and gratitude that it has been a privilege to serve as the Chief of Police of this City and that I will retrie on the close of the business day Thursday, January 16, 1986."

Commissioner Sanchez on behalf of the Police Commission accepted and then read the following resolution into the record:

RESOLUTION 106-86

AWARDING OF CHIEF OF POLICE STAR TO CORNELIUS P. MURPHY

RESOLVED, that for services rendered from January 1980 to January 1986, it is, and shall be, the order of the Police Commission, that Chief of Police Cornelius P. Murphy, be and the same is hereby awarded the Star he wore during his tenure as Chief of Police of the San Francisco Police Department; and be it further

RESOLVED, that said Star No. 1263 formerly sworn by the late Chief of Inspectors Cornelius P. Murphy, Sr. and handed down to his sworn, Cornelius P. Murphy, Jr., shall be and the same hereby honorably retired.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

He then stated that he would like to pay tribute to Chief of Police Cornelius P. Murphy who was stepping down as Chief of Police of The San Francisco Police Department effective Thursday, January 16, 1986 at 5:30 P.M. He said the real "Cornelius P. Murphy" served as the highest ranking law enforcement officer in this City, and he has completed a "job well done." He said on behalf of The Commission he thanked him for his sacrifices, requiring his commitment and his standards and tough decisions to insure that law enforcement is in fact a top priority in this city. And that the bottom line is total accountability, supervision and leadership. He said the Chief has demonstrated that continually to everyone and it is sincerely appreciated. He then called upon Commissioner Nelder to make comments.

Commissioner Nelder said he would certainly support everything President Sanchez has stated. He said he could remember very well and very clearly when Chief Murphy took over six years ago. He said at that particular time, most remember, that there were many problems in the Department, a morale problem and some of the things that had to be done were done during the tenure of Chief Murphy. He said some of the things he set in motion that proved to be very effective to start with was the Community Relations Bureau which was disbanded prior to his ascension to the Chief's Office. He said he felt it has been very effective and that it was great wisdom on the Chief's part to re-institute the Community Relations Bureau. He said he felt also that everyone should take recognition of the fact that since Cornelius P. Murphy has been the Chief the crime rate has decreased steadily and that speaks well for the Chief and the entire Department. he said he felt the Chief deserved a great deal of credit and he hopes that his future will be a happy one in his retirement and that he has done a job and done it well and the Chief may now look back upon The Department and say truly that The Department is in better shape now that he is leaving as opposed to when he took over. He then wished the Chief good luck and hoped that he would continue to do good work as he proceeded on in life.

Commissioner Giraudo in speaking to the Chief said he just wanted to say congratulations to him and Betty (Chief's wife) and hopes he enjoys his retirement as he has done a great job for the City and County of San Francisco. He said he has been privileged to know the Chief and hope that they continue to be friends for a long time to come.

Commissioner Sanchez then asked Commissioner Nelder to read the resolution announcing the replacement of Chief Murphy.

Commissioner Nelder said Mr. President, fellow Commissioners in the interest of a smooth transition from Chief Murphy to Chief Jordan he would like to read the resolution that will appear on this calendar next week which will be the 16th at 5:30 P.M.

PROSPOSED RESOLUTION FOR THE APPOINTMENT OF FRANK M. JORDAN AS CHIEF OF POLICE OF THE SAN FRANCISCO POLICE DEPARTMENT Jan. 16, 1986

RESOLVED, that in accordance with Section 3.532 of the Charter of the City and County of San Francisco, the Police Commission does hereby appoint as Chief of Police for the San Francisco Police Department Commander Frank M. Jordan; and be it further

RESOLVED, that said appointment, effective Thursday, January 16, 1986 at 1700 hours, is hereby affirmed and approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

He said Commander Jordan will be sworn in by this Commission at that particular time. Commissioner Sanchez said that before The Commission proceeds with the calendar the Commission will stand and ask all to join them and give Chief Murphy a round of applause for a job well done.

Commissioner Sanchez said on behalf of The Police Commission and the Department we would like to welcome our three new Commissioners who have served our city in many different ways over the years and have been active participants in insuring that many of our city services ranging from education to utilities to transportation and also appeals process is in fact of the highest standard. He said he welcomed Commissioner Louis Giraudo, Commissioner Owen Davis and Dr. Juanita Owens as Commissioners and that this would be the working Commission for the next two years. He said also under this agenda item and it is part of The Police and Commission tradition that at this point he would thank the outgoing Commissioners, formally, through The traditional Police Commission Resolution pertaining to those who have served during their tenures with Chief Murphy and Mayor Dianne Fienstein. He said he just wanted to state again for the record that last year this Commission averaged roughly 25 hours per week as a Commission in reference to a number of other acitivities to provide the highest standards of excellance in the San Francisco Police Department. He said, as such, the Commission wishes to thank their three former colleagues who recently served their terms well and with great distinction and therefore he would read three resolutions enabling them to keep their Commission Stars.

RESOLUTION NO. 107-86

AWARDING OF POLICE COMMISSION STAR TO COMMISIONER BURL A. TOLER

RESOLVED, that for services rendered from December 1977 to January 1986, it is, and shall be, the order of The Police Commission that Commissioner Burl A. Toler, be and the same, is hereby awarded The Police Commission Star assigned to him during his tenure as Police Commissioner of the San Francisco Police Department.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 108-86

AWARDING OF POLICE COMMISSION STAR TO COMMISSIONER JO DALY

RESOLVED, that for services rendered from January 1980 to January 1986, it is, and shall be, the order of the Police Commission that Commissioner Jo Daly, be and the same, is hereby awarded the Police Commission Star assigned to her during her tenure as Police Commissioner of the San Francisco
Police Department.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 109-8

AWARDING OF POLICE COMMISSION STAR TO COMMISSIONER THOMAS HSIEH

RESOLVED, that for services rendered from February 1984 to January 1986, it is and shall be, the order of The Police Commission that Commissioner Tom Hsieh, be and the same, is hereby awarded The Police Commission Star assigned to him during his tenure as Police Commissioner of the San Francisco Police Department.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

Commissioner Nelder then said he would move that the three former Commissioners be allowed to retain their stars.

Commissioner Davis seconded and it was unanimously approved.

HEARING OF POLICE OFFICER EARL E. WISMER, NORTHERN STATION

Chief Murphy said that this matter has been heard before The Commission and was scheduled for final arguments tonight, however in lieu of the change of Commissioners there is no quorum to hear that so he would recommend that it be referred back to The Chief of Police for disposition.

Mr. John Prentice council for Officer Wismer said that on behalf of the Officer he had no objections.

Commissioner Nelder then said he would move that this matter be remanded back to the Chief of Police.

It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 96-86

HEARING OF POLICE OFFICER EARL E. WISMER, NORTHERN STATION (CONTINUED FROM MEETING OF JANUARY 2, 1986)

The hearing of Police Officer Earl E. Wisner, Northern Station, was called it having been continued from the meeting of January 2, 1986. Police Officer Earl E. Wismer was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, Chief of Police Cornelius P. Murphy requests that the charges be withdrawn and states that it will be handled admininstratively; therefore be it

RESOLVED, that charges filed against Police Officer Earl E. Wismer, Northern Station, is continued off calendar by order of The Police Commission.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF NOVEMBER 21, 1985

Commissioner Nelder said he would move approval of the minutes with an appendage that three of the Commissioners did not review them and that should be noted accordingly.

Seconded by Commissioner Giraudo and unanimously approved.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City & County of San Francisco:

RESOLUTION NO. 74-86

ABC TOWING (BRADLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Bradley) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 75-86

ABC TOWING (GIOVANNONI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Giovannoni) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 76-86

ABC TOWING (OLIVER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Oliver) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 77-86

EDDIE W. MORGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eddie W. Morgan in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 4, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 78-86

ABC TOWING (ISRAELI COUNSUL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Israeli Counsul) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 79-86

CHRISTINE DOYLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Doyle in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 80-86

JOHN DREISBACH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Dreisbach in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 81-86

CATHERINE M. BAUER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine M. Bauer in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 82-86

PATRICK BOYLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Boyle in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 83-86

NEHEMIAH BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nehemiah Brown in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 84-86

NATALINE CHEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nataline Chew in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 85-86

ALTA KIM CUTSFORTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alta Kim Cutsforth in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 86-86

JUDITH M. EKSTRAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith M. Ekstrand in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 87-86

BARBARA FELDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Feldman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 88-86

MARYANN HALLIBURTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maryann Halliburton in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 89-86

JACK V. HAYES

RESOLVED, that the recommendation of the City Attorney for settlement of thee claim of Jack V. Hayes in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 90-86

WILLIAM J. HERLIHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William J. Herlihy in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 91-86

MARC JACOBS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marc Jacobs in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 92-86

HILARY A. JOSLYN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hilary A. Joslyn in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 93-86

ABC TOWING (GERRVASI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gerrvasi) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 94-86

VALERIE DEGROOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie Degroot in the sum of $11.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST OF OFFICER MICHAEL T. GANNON, PARK STATION, TO ACCEPT A GIFT IN THE AMOUNT OF $100.00 WHICH WOULD GO INTO PARK STATION'S FLORAL FUND, FROM MR. GADDY AS HIS EXPRESSION FOR THE POLICE SERVICES HE HAS RECEIVED THROUGHOUT THE YEAR

RESOLUTION NO. 71-86

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes Officer Michael T. Gannon to accept for Park Station the check for $100.00 from Howard L. Gaddy to be accepted into the Park STation Floral fund.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 65-86

SETTING OF DATE FOR HEARING OF POLICE OFFICER YVONNE HARBOR, POTRERO STATION

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Yvonne Harbor, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for March 5, 1986; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Yvonne Harbor, Potrero Station, is set for wednesday, March 5, 196 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Mr. Steve Bley of Bley and Bley Attorney at Law said he is commencing his 15th year before this Commission and he would like to say on behalf of himself and all of the members of the Police Officers Association that they have appreciated both the time and effort that the three departing members of The Commission have served and have endured as well as all the help and assistance the Police Officers Association has received from the Chief of Police. He said there have been times where perhaps emotions have given away to intellectual attainment which he certainly appreciated and he feels sure the people of San Francisco appreciate the many hours which he didn't think many people realize that those hours are not leisure hours. He said those are hours we have spent here until one and two in the morning which have been difficult and extremely emotional time spent. Mr. Bley continued by saying he certinly would like to give them a vote of thanks and as the Chief talks about retiring he does not feel a man as young as the Chief retires he just changes his out look on life. Mr. Bley said he feels sure that at 5:31 p.m. on the 16th the Greecian Formula 3 will come out and the Cheif's hair will immediately become darker and a new Cornelius P.Murphy will emerge. He said he would like to take his hat off to the Chief and also to the three Commissioners who have not departed but have simply left this room.

Commissioner Sanchez then thanked Mr. Bley for his comments.

RESOLUTION NO. 66-86

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR WARD L. HOLMES, INVESTIGATIONS BUREAU, BURGLARY SECTION

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Inspector Ward L. Holmes, Investigations Bureau, Burglary Section, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for February 19, 1986; therefore be it

RESOLVED, that the hearing of the diesciplinary charges filed against Police Inspector Ward L. Holmes, Investigations Bureau, Burglary Section, is set for Wednesday, February 19, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 67-86

SETTING OF DATE FOR HEARING OF POLICE OFFICER JERRY A NEITZ, MISSION STATION

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Jerry A. Neitz, Mission Station, was called it having been set for this date; and

WHREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for March 12, 1986; at 5:30 p.m. in Room 551, Hall of Justice. (It should be noted that Christopher Burdick is the Attorney for Officer Nietz, from the Firm of Carol, Burdick and McDonough)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE JITNEY BUS PERMIT #J74 HELD BY AUGUST MANISCALCO.

Officer Lamont Suslow reminded The Commission that this matter was continued one week at the direction of The Commission so that a legal opinion could be obtained from the City Attorney regarding the interpretation of the ordinance known as Proposition K which regulates The Motor Vehicles for hire industry. He said with regard to Mr. Maniscalco, he has used the 90 day suspension of operation alloted to him and he has now failed to operate his permit as required by the provisions of Section 4a of Proposition K. He said the City Attorney has written that under the plain meaning of the Ordinance The Commission is advised that the permit holder in question is entitled to only one 90 calendar day suspension during one 12 month period of time. He said after the expiration of such suspension period if a permit holder continues to abandon the business of serving the public for over 10 days then under Section 4a of Proposition K The Commission is obligated to revoke the permit after giving the appropriation notice. Officer Suslow said therefore the Department's recommendation is to revoke the permit.

Commissioner Nelder said that Mr. Maniscalco has been a long time operator in this City and the prior Commissioners have been sympathetic to his situation and had hoped that there might be a way to extend his permit so that he could get back on his feet and put it into operation. But, he said, according to what was read The Commission does not have the authority to extend it.

Mr. Maniscalco said he thought that policy had been changed. He said he feels he will eventually be able to go back to operating the permit but not right now.

Officer Suslow said that if Mr. Maniscalco could find an operator then that would solve his problem.

Commissioner Giraudo said to Mr. Maniscalco that when he came before the Board of Permit Appeals when the Commissioner was over there and the people were seeking more permits there were a number of men who wanted to drive.

Mr. Maniscalco said that was true at that time but now they keep dropping off and there are only about 13 permittees operating right now.

Commissioner Nelder said he would make a motion to continue it one week in order to allow Mr. maniscalco to find a driver but if he can't find a driver The Commission must revoke his permit.

It was seconded by Commissioner Giraudo and unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE TO AMEND CHARTER SECTION 8.343 REGARDING POLICE DEPARTMENT DISCIPLINARY PROCEDURES

Commissioner Nelder said he believed that his new colleagues had not had an opportunity to look this over and he would suggest that it go over one week.

It was seconded by Commissioner Giraudo and unanimously approved.

At this time Commissioner Sanchez invited Director Frank Schober, of Office Of Citizens Complaints (OCC) to make some comments and Director Schober said he would like to introduce to The Commission the distinguished head of the Richmond California Police Commission Mr. Swett and Mr. Don Casimere who heads the equivalent of OCC in Richmond California. He said in addition he would like to state one thing that is very important for the record in that the OCC is a new organization, it still hasn't done all that is required by the Charter but it is making progress and he said he would also like to offer his gratitude and thanks to retiring Chief Murphy for his un-remitting and effective assistance in making the OCC what it has become today and giving it the future for doing what is required in the Charter.

STATUS REPORT ON JITNEY BUS OPERATIONS IN SAN FRANCISCO

Officer L. Suslow said that this report was asked for by the prior Commission to bring it up to date on the jitney bus industry in San Francisco. He said it is presented in four different parts which the Commissioners have before them. He then explained that the first part review responses received from permit holders regarding new insurance requirements.

The second is a request from permittees to amend passenger capacity, the third is general information regarding rates of insurance and the forth gives the status of each of the different permittees. He said at this particular time he would recommend that the Commission grant the request of the permit holders to amend their passenger capacity in that all but one is requesting to reduce the capacity by one the other is requesting an increase of two which would bring all of them to 14 passengers. He said the reason for this is to enable them to comply with the lower insurance requirements set forth in the Section of the California Vehicle Code.

Commissioner Sanchez said there are some key issues that should be reviewed within the context of this report and he would like for it to be held over for one week.

Commissioner Sanchez said to Officer Suslow that the Commission thanked him and the Staff for the report.

PRESENTATION OF POLICE DEPARTMENT PRELIMINARY DRAFT BUDGET FOR FISCAL YEAR 1986/87.

Captain Michael Brush, Commanding Officer of Personnel and Financial Services Division said the Budget the Commissioners now have is the preliminary budget that was submitted to the Controller. He said the final budget for this year must be submitted to the Mayor prior to February 19. He said the budget instructions from the Mayor this year stated that the Department cannot submit a budget of more than 100% of what the Department was awarded last year. he then presented to the Commissioners a document which gives an overview of what is contained in the computer print out of the budget.

Commissioner Nelder said he would make a motion to have this continued to January 30, 1986, for Public Hearing at that time.

Commissioner Giraudo seconded and it was unanimously approved.

REQUEST OF POLICE OFFICER NATHAN JOHNSON, RICHMOND STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING BEFORE THE POLICE COMMISSION FROM DECEMBER 19, 1985 TO AND INCLUDING FEBRUARY 26, 1986.

RESOLUTION NO. 68-86

WHEREAS, Police Officer Nathan Johnson, Richmond Station, was suspended without pay effective 1400 hours on November 1, 1985, pending hearing of charges before The Police Commission; and

WHEREAS, Police Officer Nathan Johnson has requested a Leave of Absence Without Pay pending hearing of charges before The Police Commission; therefore be it

RESOLVED, that Police Officer Nathan Johnson, Richmond Station, be placed on Leave of Absence Without Pay at his request for a period of seventy (70) days commencing December 19, 1985 through February 26, 1986, inclusive, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 72-86

HEARING OF POLICE OFFICER MICHAEL T. KENNY, VICE CRIMES DIVISION/NARCOTICS

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Michael Kenny, Vice Crimes Division/Narcotics, was called it having been set for this date; and

WHEREAS, it was requested by Mr. John Prentice, Attorney at Law, representing Officer Michael Kenny, that the date for the hearing before the Police Commission be continued to January 23, 1986; therefore be it

RESOLVED, that the hearing of disciplinary charges filed against Police Officer Michael Kenny, Vice Crimes Division/Narcotics, is set for Thursday, January 23, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 73-86

HEARING OF POLICE OFFICER MICHAEL KENNY, VICE CRIMES DIVISION/NARCOTICS

WHEREAS, the decision in the hearing of the disciplinary charges filed against Police Officer Michael Kenny, Vice Crimes Division/Narcotics, was called it having been continued from November 14, 1985;

WHEREAS, it was decided by The Police Commission that this matter would be continued until the conclusion of Case No. C56-158 MEG, scheduled for hearing on Thursday, January 23, 1986; therefore be it

RESOLVED, that the decision in the disciplinary charges filed against Police Officer Michael Kenny, Vice Crimes Division/Narcotisc, is set for Thursday, January 23, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 69-86

STATUS REPORT ON POLICE OFFICER RAOUL PONCE, NORTHERN STATION

WHEREAS, the status report of Police Officer Raoul Ponce, Northern Station, was called it having been set for this date; and

WHEREAS, Police Officer Raoul Ponce appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, it was the recommendation of the Chief of Police Cornelius P. Murphy that Officer Ponce be suspended for 30 days, to be held in abeyance provided he lose five pounds monthly. He is to reduce from 230 pounds to 193 pounds with a target date of September 10, 1986; therefore be it

RESOLVED, that the Commission accepts the recommendation of Chief of Police Cornelius P. Murphy and orders it upon Officer Ponce to report to the gymnasium on February 10, 1986 for verification of the loss of five pounds and every 30 days thereafter, until he meets the 193 pounds and every 30 days thereafter, until he meets the 193 pounds limit. If Officer Ponce is not in compliance in any given month, the 30-day suspension will be imposed. He is to appear before The Police Commission on September 10, 1986.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

THE MEETING WAS THEREAFTER ADJOURNED AT 7:30 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

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Minutes

16 JANUARY 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their Chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 16, 1986 at 1600 hours in a Regular Meeting.

PRESENT: Commissioners Owens, Davis, Giraudo, Nelder Sanchez

Commissioner David J. Sanchez presiding.

POLICE COMMISSION RESOLUTION APPOINTING FRANK M. JORDAN AS CHIEF OF POLICE OF THE SAN FRANCISCO POLICE DEPARTMENT

The Police Commission met in the 6th Floor auditorium to accomodate a crowd of approximately 400 people who had come to witness the appointment of Chief of Police Frank M. Jordan. The ceremony commenced with the march into the auditorium led by Lieutenant John Carlin playing the bagpipes, followed by Honorable Mayor Dianne Feinstein, Monsingnor, James McKay, the San Francisco Police Department Chaplin, Commissioners David Sanchez, Alfred Nelder, Juanita Owens, Owen Davis and Louis Giraudo, followed by Commander Frank M. Jordan, his wife and three sons. Monsignor McKay gave the invocation. President of The Police Commission, Dr. David J. Sanchez, Jr., after an opening statement, asked Lieutenant Willie E. Frazier, Secretary to The Police Commission to read the following Police Commission Resolution into the record:

RESOLUTION NO. 105-86

APPOINTMENT OF FRANK M. JORDAN AS CHIEF OF POLICE OF THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that in accordance with Section 3.532 of the Charter of the City and County of San Francisco, the Police Commission does hereby appoint as Chief of Police for the San Francisco Police Department Commander Frank M. Jordan; and be it further

RESOLVED, that said appointment, effective Thursday, January 16, 1986 at 1700 hours, is hereby affirmed and approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Thereafter, President Sanchez asked for a roll call of the Commissioners:

Commissioner David Sanchez: Aye
Commissioner Alfred Nelder: Aye
Commissioner Juanita Owens: Aye
Commissioner Owen Davis: Aye
Commissioner Louis Giraudo: Aye

Commissioner Sanchez then called upon Honorable Mayor Dianne Feinstein to make comments and to Officially swear in Commander Frank M. Jordan as Chief of Police of the San Francisco Police Department.

Chief Jordan having been duly sworn as the Department's 32nd Chief of Police then addressed the audience. He introduced members of his family and acknowledged the presence of former Chiefs of Police in the audience and many civic dignitaries. He then gave an overview of his operational plans for the San Francisco Police department after which the ceremony ended with the formation of a reception line to allow all who desired to congratulate the new Chief and his family.

The Commission then reconvened the regular meeting in Room, 551.

APPROVAL OF MINUTES OF DECEMBER 5th, & 12th 1985 AND JANUARY 2, 1986

Approval of Minutes of the Meetings of December 5, 1985, December 12, 1985 and January 2, 1986. The Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 100-86

RASHAE WILLIAMS, ET AL AGAINST ROBERT MANGOSING, CITY AND COUNTY OF SAN FRANCISCO, ET AL

RESOLVED, that the recommendation of the City Attorney for settlement of additional supplement of the claim of Rashae Williams in the sum of $208,743.90 entitled "Rashae Williams, et al vs. Robert Mangosing, City and County of San Francisco, et al" in Superior Court No. 810-340 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 19, 1983

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 101-86

ANTHONY CHAVIRA vs. CITY AND COUNTY OF SAN FRANCISCO,

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Chavira in the sum of $25,000.00 entitled "Anthony Chavira vs. City and County of San Francisco, et al" in Superior Court No. 799-742 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1982

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 117-86

ERNEST TAYLOR AND CLIFTON TAYLOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ernest Taylor and Clifton Taylor in the sum of $375.00 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: August 16, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 118-86

TERESITA S. ALARCON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teresita S. Alarcon in the sum of $300.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 31, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 119-86

AUXILIADORA C. RIOS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of litigation of Auxiliadora C. Rios vs. City and County of San Francisco in the sum of $156.10 in Small Claims Court No. 444-650 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 1, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 120-86

ABC TOWING (GARCIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Garcia) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 121-86

ABC TOWING (HOLDHAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Holdhan) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 122-86

ABC TOWING (L. SMITH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (L. Smith) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 123-86

ABC TOWING (LUNDBERG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Lundberg) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 124-86

ABC TOWING (DOWNEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Downey) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 125-86

ABC TOWING (WARFIELD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Warfield) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 126-86

STEVEN ENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Eng in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 127-86

ABC TOWING (TEVIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Tevis) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 128-86

ABC TOWING (NICOLAI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Nicolai) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 129-86

ERMA J. WOODWARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Erma J. Woodward in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 130-86

MARK REUBEN AND SHERRIE SELIBER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Reuben and Sherrie Seliber in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 20, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 131-86

NAOMI TREISMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Naomi Treisman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 132-86

ABC TOWING (WONG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Wong) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 133-86

ABC TOWING (BERTOLINO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Bertolino) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 134-86

MONIQUE Y. LOUVIGNY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Monique Y. Louvigny in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 135-86

JEFFREY B. LACHMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey B. Lachman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 136-86

DAVID LOEBL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Loebl in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 137-86

DENNY DA-HONG LUO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Denny Da-Hong Luo in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 138-86

JAN MEAD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jan Mead in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 139-86

MARY GIN STARKWEATHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Gin Starkweather in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 140-86

STANLEY STRIZVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley Strizver in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 141-86

DANIEL KOTLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Kotler in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 142-86

ANNETTE MARIE McCORMICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Annette Marie McCormick in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 143-86

ROSALIND ROLLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosalind Rollin in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 144-86

WAYNE HOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wayne Hoy in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 145-86

JEFFREY S. LEITER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey S. Leiter in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1985 (Hearing Date)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 146-86

ABC TOWING (McKENZIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (McKenzie) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 147-86

ABC TOWING (PRATHER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Prather) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 148-86

NANCY G. ROSENTHAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy G. Rosenthal in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 149-86

ABC TOWING (S. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (S. Smith) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 102-86

AUTHORIZATION OF INSPECTOR JOHN STERLING, TACTICAL INVESTIGATION UNIT, TO ATTEND TWO (2) COURSES IDENTIFICATION AND THE TECHNIQUES OF FACIAL SCULPTURE ON THE SKULL IN NEW ORLEANS, LOUISIANA FROM 02/14 TO 02/15 AND IN MOBILE, ALABAMA FROM 02/17 TO 02/19/86

RESOLVED, that the recommendation of the Chief of Police that Inspector John Sterling, Tactical Investigation, be authorized to attend two courses, The Police Artist in Identification and the Techniques of Facial Sculpture on the Skull conducted by the Institute for Environmental and Forensic Sciences, the first course in New Orleans, Louisiana from February 14 to February 15, 1986, and the second course in Mobile, Alabama from February 17 to February 19, 1986, is hereby approved; and be it further

RESOLVED, that expenses in the amount of $1,278.00 for air fare, subsistence and tuition will be defrayed by the Department Training Fund.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 110-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Officer Antonio Flores (Narcotic Investigation
(Sacramento, California
(10/27/85 - 11/08/85
($679.00

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 111-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Officer David Martinovich (Narcotic Investigation
(Sacramento, California
(10/27/86 - 11/08/86
($627.00 - $52.00 Refund
to SFPD

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

AUTHORIZATION OF RICHARD L. CURTIS, SR. MANAGEMENT ASSISTANT, TO ATTEND 2 CLASSES, THE vs. PROGRAMMER'S INTRODUCTION AND vs. PROCEDURE LANGUAGE COURSE IN SAN FRANCISCO ON 02/03 TO 02/07/86 AND ON 02/19/86 TO 02/21/86

RESOLUTION NO. 103-86

RESOLVED, that the recommendation of the Chief of Police that Mr. Richard L. Curtis, Senior Management Assistant, Staff Services, be authorized to attend two classes, the vs. Programmer's Introduction and vs. Procedure Language Course conducted by WANG in San Francisco, California, the first class to be held February 3 to February 7, 1986, and the second class on February 19 to February 21, 1986, is hereby approved; and be it further

RESOLVED, that expenses in the amount of $1,925.00 for tuition will be defrayed by the Department Training Fund.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

POLICE COMMISSION REPORT

Commissioner Alfred Nelder said that he wanted to make a motion pertaining to the scheduling of meetings. He said, three weeks ago The Commission decided that it would move its meetings from Thursdays to Wednesdays but due to the current transition in the Department, he would make a motion to rescind that resolution that was made at that time.

Commissioner Owen Davis seconded and it was unanimously approved.

Commissioner Nelder then moved to continue the meetings for The Commission on Thursdays until further notice to have Lieutenant Willie Frazier notify all parties who had pending items on dates scheduled in February on those Wednesday evenings. The motion was seconded and unanimously approved.

At this time Item #11 was called out of order.

STATUS REPORT ON JITNEY BUS OPERATIONS IN SAN FRANCISCO

OFFICER SUSLOW:

Good Evening, Commissioners. Officer Suslow for the Permit Section.

Last summer after a number of public meetings, The Commission directed the staff to review jitney bus operations in San Francisco. The primary reason for this request was that a number of jitney bus permit holders had indicated at these prior hearings that they were being impacted a a result of an amendment to a State law with regard to insurance liability limits. We conducted a survey of the existing permit holders in September of last year, inquiring of them as to the impact on them with respect to this amendment to the California Vehicle Code.

Of the 33 request, we got seven responses. Primarily the responses indicated that the existing permit holders were being impacted financially with respect to having to pay higher premiums as well as increased competition from alternative forms of transportation on the Mission Street route. They also asked that alternative routes be identified, that they would move to those alternative routes. They also suggested the possibility of subsidies from the City and County of San Francisco.

The State law with respect to the insurance required that if you operated a 15 passenger of less vehicle you needed to maintain at this present date now, a million and half dollars worth of coverage which would increase the premiums paid by the permit holder approximately threefold, from around $2,000 to anywhere from $6,000 to $8,000. So anywhere from almost three or four times.

Those operating a 16 passenger or greater a permit would be required to maintain five million dollars worth of insurance coverage and one person who operates a bus that size says he's paying approximately $11,000 a year.

As a result of that breakdown by the State, a number of existing permit holders filed request to decrease the passenger capacity of their permits. the reason for that was, is that they were 15 passenger jitney buses with the driver making it 16 passenger vehicle. So by dropping just one passenger, they fell from the five million dollars requirement to the million and a half dollar requirement thereby saving themselves a substantial sum in premiums.

That is before you this evening in the Attachment 2 to the report. The requests of 22 of the permit holders to decrease their passenger capacity by one, one individual is requesting an increase from 12 passengers to 14 passengers and the reasons sought for all of these is so they can save money with respect to the premium.

The Department recommends that The Commission grant their request with the stipulation that each of the vehicles be inspected by the Taxicab Enforcement Detail for complete accuracy with respect to the removal of the seating arrangement.

PRESIDENT SANCHEZ:

Thank you, Officer Suslow. Chief, are you prepared to move on the Department's recommendation for The Commission to consider pertaining to this matter?

CHIEF JORDAN:

Yes.

PRESIDENT SANCHEZ:

Does The Commission have any questions pertaining--

COMMISSIONER NELDER

What your're saying is that is should be reduced to 14, including the driver?

OFFICER SUSLOW:

Yes.

COMMISSIONER NELDER:

I'll move approval of the Department's request that the jitney buses be reduced to 14, including the driver and that they shall be inspected by the Taxicab detail to see that mandate is carried out.

OFFICER SUSLOW:

I misstated it. It would be 14 passengers and the driver, for a total of 15.

COMMISSIONER NELDER:

Then I'll amend the motion to include 14 passengers Plus the driver which makes 15.

COMMISSIONER OWENS

Second.

PRESIDENT SANCHEZ:

Discussion. If not, all those in favor say aye.

(Whereupon, Motion carried unanimously).

Commissioner Sanchez then said he would like to announce that The Police Commission, as he had failed to mention under The Commission Report, met in closed Session under the Brown Act which was posted 24 hours in advance pertaining to a Personnel Matter and no vote was taken. He then asked that the meeting resume with the normal items to be called in succession.

POLICE COMMISSION REPORT

Chief of Police Frank Jordan said that what he would like to do at this time is to name the people in the command level positions of the San Francisco Police Department so that The Commission may be acquainted with who they are. He said they are not present tonight but there will be a press conference tomorrow at 12:45 p.m. here in The Police Commission hearing room where all seven will be officially sworn in.

For Deputy Chief of Field Operations Bureau is Captain John Jordan, commanding officer of the Vice Crimes Division.

The Deputy Chief of the Investigations Bureau, Lieutenant Lawrence Gurnett, day watch platoon commander at Ingleside Police Station.

Deputy Chief of Administration Bureau is Commander Willis Casey, presently the commander of the Technical Services Bureau.

Deputy Chief of the Technical Services has been shifted, Captain Victor Macia commanding officer of Mission Police Station.

Commander of the Metropolitan Division, temporary Captain, William Sheffler, who is now the night Captain at the Metropolitan Division.

Commander of the Golden Gate Division, Commander Richard Klapp, is the same position he now holds.

Commander of Field Operations Bureau, which is a shift, which would be a third commander in field operations and a reorganization, restructuring in the Field Operations Bureau, Lieutenant Isiah Nelson, commanding officer of the Burglary Detail.

PRESIDENT SANCHEZ:

Lieutenant Frazier, could you please read the names into the record prior to the Commission vote."

LIEUTENANT FRAZIER:

"That would be Deputy Chief John Jordan, Deputy Chief of Field Operations Bureau; Deputy Chief Lawrence Gurnett, Deputy Chief of Investigations Bureau; Deputy Chief Willis Casey, deputy Chief of the Administration; Deputy Chief Victor Macia, of technical Services; Commander William Sheffler, Commander of Metropolitan Division; Commander Richard Klapp, Commander of the Golden Gate Division; and Commander Isiah Nelder, Commander of Field Operations and Muni, et cetera."

PRESIDENT SANCHEZ:

"A motion and a second for The Commission. Discussion? If not, roll call."

Commissioner David Sanchez: Aye
Commissioner Alfred Nelder: Aye
Commissioner Juanita Owens: Aye
Commissioner Owen Davis: Aye
Commissioner Louis Giraudo: Aye

PRESIDENT SANCHEZ:

"Vote is unanimous. You have your new team to work with and the formal ceremonies take place in this room and we invite basically members of the Department, president, et cetera to attend the swearing in of your top ranking team to provide law enforcement services to the city."

CHIEF JORDAN:

"Thank You."

APPROVING IMMEDIATE FILLING OF VACATED EXEMPT POSITION, POLICE DEPARTMENT

RESOLUTION NO. 96-86

WHEREAS, one member of the San Francisco Police Department has retired from the position of 0390 Chief of Police, and four members of the San Francisco Police Department have retired from the positions of 0400 Deputy Chief, and two members of the San Francisco Police Department have been promoted from the positions of 0488 Commander (Police Department), and

WHEREAS, these retirements and promotions leave a severe gap in the top management of the San Francisco Police Department, and

WHEREAS, to fill these positions before accumulated sick leave and vacation time are paid requires a resolution of the Board of Supervisors, and

WHEREAS, this procedure is authorized by the Annual Appropriations Ordinance, and

WHEREAS, there are sufficient fund appropriated to cover the cost of this procedure; therefore be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the Director of Personnel of Civil Service recommend to the Board of Supervisors the adoption of the attached resolution, and furthermore, be it

RESOLVED, that The Police Commission requests that the Board of Supervisors adopt the attached resolution authorizing the immediate filling of one vacant position of 0390 Chief of Police, four vacant positions of 0400 Deputy Chief, and two vacant positions of 0488 Commander (Police Department).

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

SETTING OF DATE FOR HEARING OF POLICE OFFICER AARON O. BARNES, CENTRAL STATION

RESOLUTION NO. 98-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Aaron O. Barnes, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing of the disciplinary charges filed against Officer Aaron O. Barnes be continued to January 23, 1986; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Aaron O. Barnes is set for Thursday, January 23, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER WILLIAM F. JOHNSTON, CENTRAL STATION

RESOLUTION NO. 99-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer William F. Johnston, Central Station, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer William Johnston is set for Thursday, January 23, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

YES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

LIEUTENANT FRAZIER:

ITEM #8 - RECOMMENDATION OF THE CHIEF OF POLICE TO AMEND CHARTER SECTION 8,343 REGARDING POLICE DEPARTMENT DISCIPLINARY PROCEDURES (CONTINUED FROM MEETING OF JANUARY 2, 1986)

Chief Jordan, this is a Charter Amendment allowing the Chief of Police to be able to suspend an officer up to 30 days rather than the ten calendar days that now exist. Also to allow the Chief to make a recommendation to The Police Commission to reduce an officer by one rank and I would request that we proceed with the recommendation."

PRESIDENT SANCHEZ:

"Is there a motion and a second by The Commission?"

COMMISSIONER GIRAUDO

"I'll move the motion."

COMMISSIONER SANCHEZ:

"Second and any discussion? Just for the record, let me just state that this matter has come before The Police Commission calendar, I believe two, one before, whereby The Commission has supported the proposed Charter Amendment which would give the Chief of Police power to suspend more than ten days, which is under the City Charter now. I think a number of times it's been either brought to the Board of Supervisors and action or no action has been taken there.

This again is a recommendation by the new Chief of Police so it can be put on the calendar, but it will be before the Board of Supervisors in order to give the Chief more authority pertaining to disciplinary matters that you might handle which would require suspensions of no more than 30 days and also up to demotion pertaining to rank in grade.

Further discussion by The Commission on this matter.

Officer Robert Barry, would you like to speak as President of the Police Officers' Association?"

OFFICER BARRY:

"Mr. President and members of The Commission and especially the new members of The Commission, I'd like to welcome you all here. This is your first real hearing tonight as far as hearings are concerned and I'd like to say from the outset that I look forward to working with you as the President of the Police Officers' Association. We'll be meeting with you on a continual basis on your tenure here and on meet and confer and I look forward to a healthy relationship. A brand new start from the old Commission and I know the new, with the three new members and I'd also like to congratulate Chief Jordan in his assignment to the police rank. I support that one hundred percent and expect to have a healthy relationship with him in his tenure.

Commissioners, the amendment before you, it will certainly go to the Board of Supervisors for discussion and the rules and regulations come out probably within the next few months, assuming that this Commission authorizes it to leave this building and recommend it be adopted by the voters in San Francisco.

Back in May of 1985, the Mayor Dianne Feinstein sent a letter to the Board of Supervisors and to the members of The Police Commission urging that this particular Charter Amendment be adopted and cited some specific reasons as to why. Primarily the need cited in her letter of May 20, 1985 was more discipline was needed in the San Francisco Police Department, that would conform to the authority that other department heads have throughout city government.

I respectfully disagree with the Mayor and would like to read some statements into the record for your consideration asking that this not be submitted to the Board of Supervisors as it is unnecessary and we feel will cause more hearings to be brought before this Police Commission in the ensuing months.

The Mayor stated in her letter to The Commission and to The Board on May 30, 1985 that this Amendment would give the Chief the same authority as other department heads and allows The Commission to demote and thirdly, allows the Chief to suspend in certain cases wile a hearing is pending.

Commissioners, it's no secret that police officers come into contact with citizens more often than other civilian employees in government and you're scrutinized by the public more so than any other group of employees and that scrutinization is very appropriate, particularly in the line of work that we're in. It's necessary.

Police officers, whether in San Francisco or elsewhere, are subject to more complaints and more discipline than any other group of public employees in the existence today in any city or county in this country.

During the past four years -- these statistics are up to date as far as the last two months are concerned but they're pretty consistent, Commissioners.

During the past four years, 294 police officers were disciplined by the Chief of Police and The Police Commission in this City. The discipline ranging from reprimand, written reprimands or oral reprimand, to and including termination, and we've had many terminations. Terminations come from The Police Commission and not the Chief.

The point is that the Mayor has consistently stated in her public statements that more discipline is needed, yet when presented with the facts of accelerated discipline under the reign of Chief Con Murphy, there's been more discipline under Chief Murphy than his predecessors combined and I think Chief Murphy recognized that there were certain problems and disciplined and incredible amount of police officers. Not to say it wasn't necessary, but in looking back under the reign of Chief Gain and Scott and others, we didn't have a discipline problem and Chief Nelder, that was perceived to be as pervasive as it was under chief Murphy.

As a result, a lot of cases came before him and a lot before The Police Commission and discipline was administered I think, appropriately and fairly across the board.

I fully understand the need for discipline as it must be imposed, but as an advocate of representing individuals before the chief and before The Police Commission, my thrust here tonight is that the discipline must be administered fairly, it must be consistent and with full due process. I believe that this proposal could put these perimeters in jeopardy. I'm not looking here and now at individuals, personalities, nor am I looking at the present Chief of Police, but embodying these things in concrete into the Charter is going to cause us some real concern.

Under the existing language in the Charter the Chief can now impose a maximum of a ten days suspension. If he feels an officer has wronged the Department, he has the option of holding a hearing or bringing charges before The Commission. If he feels the officer is deserving a suspension in excess of ten days he will then send the case to The Police Commission. The Police Commission may then impose a more lenghty suspension, a lessor, exoneration or termination. In the past four years, Commissioners, the Chief has held 180 hearings, 18 of which he issued suspensions from six to ten days. That's only 18 out of 180 hearings that he's held, that's only ten percent.

Of the cases that Chief Murphy referred to The Police Commission, 114 cases were referred, 27 of those cases the officer received suspensions of 30 days or less. So ostensibly what we're talking about is these 27 cases. In retrospect the Chief would hear, if this Amendment were in effect, a total of 27 cases. That would mean the Chief would hear an additional seven cases a year over and above the cases that he already heard, the 180, thus reducing The Police Commission's case load.

That was one of the reasons that this was brought forward, that it would reduce the case load because more officers would go to the Chief thus lessening the burdens of The Commission and as The Commission has known in the past, we have had two and three pages of disciplinary charges and have gone well into the night, sometimes 2:00 and 3:00 o'clock in the morning.

In disciplinary cases that was a factor in reality in the past. The case load of The Commission in my opinion would not diminish. It may, in fact, increase as officers would invoke their appeal rights that are now guaranteed under the Charter and I assume without having the amendment in front of me, guaranteed them under the Amendment offered by the Board of Supervisors.

I'm not saying that it's a fait accompli, that an appeal coming up here you're going to rubber stamp what the Chief may have done because I don't think that would be the case. I think The Commission, as in the past, would look at the individual, look at the case and make a decision as to whether or not the Chief was fair or not in the imposition of discipline.

So if the cases increase at the Chief's level beyond ten days, I think we can safely assume that appeal rights are going to increase to this Police Commission, which means more hearings and this is a full blown hearing that starts from A and goes right to Z, it's not a short hearing because it's a total appeal of that the Chief may impose.

Any suspension is cause to an employee of financial hardship, but where one individual, the Chief of Police acts is the trier of fact on serious cases, then it is our belief that due process has the potential, and I say the potential, of being placed in jeopardy.

Severe cases in excess of ten days should in our opinion and that of the Officers' for Justice in their public statement before the Board of Supervisors last May, be tried before The Police Commission as five triers of facts.

This Amendment before you -- in conclusion, the disciplinary provisions now in place are working as intended by the electorate as they put them into the Charter many, many years ago. We feel that the discipline that has been imposed by the Chief is consistent, that it's fair and that if he feels cases warrant more than ten days, then the case should come to this body right here where you have five individuals judging whether or not that individual should receive a substantial increase.

For those reasons, Commissioners, I would ask that you take time to consider this, to read the Charter if you haven't already done so, and to look at the statistics, your own statistics -- I got these statistics from the Department -- and make a more extensive evaluation before you send this to the Board of Supervisors for committee hearings.

I thank you very much for your time and consideration."

COMMISSIONER SANCHEZ:

Thank you, Officer Barry. Do we have any questions.

COMMISSIONER OWENS:

No, not at this time.

COMMISSIONER SANCHEZ:

There has been a request for a three minute recess before The Commission acts on this matter, so we will take a three minute recess and come back and finish this item.

(Brief Recess)

COMMISSIONER SANCHEZ:

The Commission is now back in session and let me remind you here for the first time this is The Police Commission hearing room and smoking is not allowed in this room, no smoking in this room. Outside but not in our Police Commission hearing room. So if you have to indulge --

There's a motion before The Commission and a second. Do we have any further discussion pertaining to the proposed recommendations to be considered by the Board of Supervisors regarding the Charter?

If not, all --

COMMISSIONER NELDER:

Call for the question

COMMISSIONER SANCHEZ:

All in favor, state aye --

(Whereupon, the vote was carried unanimously).

COMMISSIONER SANCHEZ:

Opposed? So moved. This will proceed on to the Board of Supervisors.

RESOLUTION NO. 104-86

PROPOSED AMENDMENT TO CHARTER SECTION 8.343 REGARDING POLICE DEPARTMENT DISCIPLINARY PROCEDURES

WHEREAS, the Police Commission in its meeting of Thursday, January 16, 1986, held a public discussion on said amendment and heard testimony from the Chief of Police and the President of the San Francisco Police Officers' Association, and

WHEREAS, after listening to the above the Police Commission felt the positive aspects of said amendment were more than sufficient to support and endorse it; therefore be it

RESOLVED, that the Police Commission having reviewed and received testimony regarding the proposed amendment to San Francisco Charter Section 8.343, does hereby support and officially approve its placement on the June ballot.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RE-HEARING ON POLICE REVOCATION OF LIMOUSINE PERMIT #L47 HELD BY MR. JOHN THOMAS (CONTINUED FROM MEETING OF DECEMBER 12, 1985)

Officer Lamont Suslow of the Police Department's Permit Section said that Mr. Thomas' attorney is at a pre-trial conference and indicated that he would be unable to make it. He said the attorney is therefore requesting a 30 day continuance. It was so moved by Commissioner Louis Giraudo and unanimously approved for the 30 day continuance.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE JITNEY BUS PERMIT #J74 HELD BY AUGUST MANISCALCO

Officer Lamont Suslow said that this matter was continued from last week where Mr. Maniscalco was directed to find a driver and come back. Officer Suslow continued by saying that Mr. Maniscalco had not contacted him and that he had tried to contact Mr. Maniscalco today but Mr. Maniscalco was not home. Commissioner Alfred Nelder said this matter has been before The Police Commission on many previous occasions. He continued by saying that he sympathized with Mr. Maniscalco's problem but the law leaves The Commission no choice. He said he would therefore move for revocation. The motion was seconded and unanimously approved.

RESOLUTION NO. 97-86

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J74 HELD BY MR. AUGUST MANISCALCO

WHEREAS, Mr. August A. Maniscalco was granted a Jitney Bus Permit #J74 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. August Maniscalco was granted a 90 day suspension on June 24, 1985 and ended on September 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. August Maniscalco; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates The Police Commission to revoke the permit; and

WHEREAS, on December 17, 1985 and on January 16, 1986, Mr. August A. Maniscalco testified that he has not been operating his Jitney because he cannot afford the insurance premiums; therefore be it

RESOLVED, that it is the order of The Police Commission, based on the findings of the facts by the Chief of Police, that The Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license/permit authorizing August A. Maniscalco to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

STATUS REPORT ON POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

RESOLUTION NO. 112-86

WHEREAS, the status report of Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been set for this date; and

WHEREAS, Police Officer Dennis M. Costanzo appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, it was the recommendation of the Chief of Police Frank M. Jordan that more time be allowed in order to evaluate Officer Costanzo's progress; therefore be it

RESOLVED, that the Commission accepts the recommendation of Chief of Police Frank M. Jordan and orders it upon Officer Costanzo to report before the Police Commission on Thursday, January 30, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez.

HEARING OF POLICE OFFICER WILLIAM TERCERO, RICHMOND STATION

The hearing of Police Officer William Tercero, Richmond Station, was called it having been set for this date. Officer William Tercero was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer William Tercero appeared in person and was represented by Officer Robert Barry, Police Officers' Association.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Jerry Akins for the Prosecution.

An opening statement was made by Officer Robert Barry for the Defense. Officer Barry made a plea of guilty to the charges on behalf of Officer William Tercero.

The following named witness was called by the Defense, was sworn and testified:

Officer William Tercero, Richmond Station

The Commission unanimously accepted the plea of Officer Tercero. Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer William Tercero be suspended for 60 days, to be held in abeyance, and enroll in the Alternative to Punishment Program as prescribed in Department General Order D-4, and be placed on two (2) years probation. If any violation occurs during this period, the 60 days suspension will be imposed.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 113-86

DECISION - HEARING OF POLICE OFFICER WILLIAM TERCERO, RICHMOND STATION

WHEREAS, on November 20, 1985, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer William Tercero as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, William Tercero, Star Number 1523 (hereinafter referred to as "the accused"), was a police officer employed by the San Francisco Police Department and assigned to Golden Gate Division, Richmond Police District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On September 16, 1985, at or about 0250 hours, the accused, while off duty was found, either unconscious or asleep, in a 1985 Toyota automobile parked in front of Grandma's Bar at 1234 Noriega Street by two San Francisco Police Officers on routine patrol. 1234 Noriega Street is located in a business section of Noriega Street near its intersection with 19th Avenue in the City and County of San Francisco, State of California;

(4) At said time and place, members of the San Francisco Police Department attempted to awaken the accused. When he was awakened, with great difficulty, he refused to identify himself, or to unlock the car door, cursed at the officers in obscene and vulgar terms and threatened the officers with his clenched fist. The officers called for a backup unit to assist them;

(5) At said time and place, the accused appeared to be extremely intoxicated, to the point of being unable to care for himself. The accused was later identified as a San Francisco Police Officer, notifications were made and he was taken home;

(6) By becoming so intoxicated in a public place that he passed out in his automobile, by cursing and threatening investigating San Francisco Police Department officers, the accused has exhibited extremely poor judgment and has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 16, 1986, and on Thursday, January 16, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, The Police Commission finds that the allegations contained in Charge No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Officer William Tercero, are sustained; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Police Commission orders the following discipline be imposed:

Charge No. 1 [penalty] 10 calendar days suspension;

GUILTY — 3 years probation; report to the Chief monthly re his progress and if violation occurs, termination shall be imposed.

and be it further

RESOLVED, that said suspension totaling ten (10) calendar days is to be imposed commencing Monday, January 20, 1986 at 0001 hours and ending Wednesday, January 29, 1986 at 2400 hours. He will be placed on three years probation. He is to report to the Chief of Police monthly on his progress during that period and, if any violation relating to this charge occurs, termination shall be imposed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR)

THE MEETING WAS THEN ADJOURNED

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

JANUARY 23, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 16, 1986, at 1730 hours in Regular Meeting.

PRESENT: Commissioners Owens, Nelder, Davis, Giraudo, Sanchez

Commissioner David Sanchez presiding.

DOCUMENTS DEPT.

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APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 161-86

ROBERT SPECTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Specter in the sum of $107.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 162-86

ABC TOWING (MORALES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Morales) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 163-86

SHI-JIANG CHIANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shi-Jiang Chiang in the sum of $87.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 164-86

SARA EICHSTAEDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sara Eichstaedt in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 165-86

GREGORY URSICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory Ursich in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 166-86

ABC TOWING (FANG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fang) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION 167-86

MARY McLAREN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary McLaren in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 168-86

SCOTT M. DRAIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott M. Drain in the sum of $57.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 169-86

LOUIS CASTILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louis Castillo in the sum of $57.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 170-86

PAULINE JAVIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pauline Javier in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 171-86

HOWARD M. ITO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard M. Ito in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 172-86

TED J. HILTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ted J. Hilton in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 173-86

JOSEPH LOUIS ALDRIDGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Louis Aldridge in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 174-86

EMMANUEL CRABBE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emmanuel Crabbe in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 175-86

ANNE KLEINMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne Kleinman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 15, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 176-86

AMY PATTERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy Patterson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 177-86

EDWARD R. MONTANO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward R. Montano in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 178-86

GERALD McGARITY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald McGarity in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 179-86

LINDA McELROY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda McElroy in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 180-86

PHILIP L. SCHODIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip L. Schodin in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 181-86

SUSANNE SCHWARZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susanne Schwarz in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 182-86

PAUL ANDRAKIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Andrakin in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 183-86

YELLOW CAB CO-OP INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 184-86

ARVELL HOWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arvell Howell in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 185-86

NELSON BEDFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nelson Bedford in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 186-86

BLAKE HANNAFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Blake Hannaford in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 187-86

HARRY L. EDWARDS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry L. Edwards in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 188-86

THOMAS M. TOMASI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas M. Tomasi in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 189-86

JANICE RYU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janice Ryu in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 190-86

CHOR YEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chor Yee in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 191-86

BETH CLEARY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beth Cleary in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner David Sanchez said the only comment he has at this point is that there was a Police Officer of the Month Award luncheon last week and the Officer and his wife will be present at the next Police Commission Meeting to formally receive the Police Commission Citation along with the check by the Chief of Police. He said he also had one other matter that pertains to funds that were donated to the San Francisco Police Department on January 6th to purchase a horse and is on this calendar as added item Number 15. That matter was called at this time.

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT DONATION OF $2,500.00 FROM BRACCO DISTRIBUTING CO. AND THE ANHEUSER BUSCH CORP. FOR PURCHASE OF A HORSE NAMED TOWN LEO

RESOLUTION NO. 153-86

WHEREAS, the Bracco Distributing Company and the Anheuser Busch Corporation have expressed a desire to donate $2,500.00 to the San Francisco Police Department for the purchase of a horse for the Mounted Unit, and

WHEREAS, this civic minded gesture will facilitate needed assistance in the protection of life and property in San Francisco, and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the Department head of those gifts to the City and County of San Francisco of a value of Five Thousand ($5,000) Dollars or less, and

WHEREAS, it is necessary for a resolution by The Police Commission to authorize the acceptance of such gifts, and

WHEREAS, the Police Department's Mounted Unit has located and evaluated a five-year quarter named "Town Leo" valued at Two Thousand Five Hundred ($2,500) Dollars, and

WHEREAS, Town Leo meets the specifications for service as a patrol horse for our Mounted Unit; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of Two Thousand Five Hundred ($2,500) Dollars from the Bracco Distributing Company and the Anheuser Busch Corporation to be used to purchase a five-year old quarter horse named "Town Leo" from its present owner.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he now has the new command structure in place in the San Francisco Police Department and since they are all here tonight he would like to introduce them, personally, to the Honorable Police Commission. He then introduced Deputy Chief of the Field Operations Bureau, Deputy Chief John Jordan formerly The Commanding Officer of the Vice Crimes Division. Deputy Chief of the Investigations Bureau Lawrence Gurnett formerly a Lieutenant at Ingleside Police Station. Deputy Chief of the Administration Bureau, formerly The Commander of The Technical Services Bureau Willis Casey. Deputy Chief of Technical Support Services the former temporary Captain in the Metro Division for the night watches William Scheffler. Commander of the Golden Gate Division formerly The Commander of The Golden Gate Division Commander Richard Klapp. Commander of Field Operations Bureau formerly a Lieutenant in the Burglary Detail Isiah Nelson.

The Chief said this is the team that is now in place and that he would also like to add that they have been very busy this week looking over the changing structure to make sure that they have the right people in place so that all may work on some of the very difficult projects they feel appropriate for the Department with The Chief. He said they feel they have taken the time and the effort and he feels they now have the right people in the right places.

Commissioner Alfred Nelder said he wanted to say congratulations to all. He said all have fine reputations, experience and expertise to command an excellent Department and he feels all will do an excellent job. He said he would not be asking them any questions tonight but that periodically The Commission would ask all to comeback and report to The Commission on their particular fields.

Commissioner Nelder said he wanted to say congratulations to all. He said all have fine reputations, experience and expertise to command an excellent department and he feels all will do an excellent job. He said he would not be asking them any questions tonight but that periodically The Commission would ask all to comeback and report to The Commission on their particular fields.

Commissioner Juanita Owens said she simply wanted to congratulate all on their appointments. She said as a new Commissioner she still has to familiarize herself with the Department's Operation but she would have questions of them in the future.

Commissioner Owen Davis said he would echo some of the remarks of Commissioner Owens and that he would be on a fast learning tour with all and from time to time he would hope to spend sometime and visit and learn more about their operations. He said he felt this was a good team and he looked forward to making some contributions to San Francisco with the team.

Commissioner Louis Giraudo offered his congratulations and said he was looking forward to working with the team.

Commissioner Sanchez said he just wished to state on behalf of all of his colleagues that The Commission has full confidence in The Chief and his selection. He continued by saying The Commission looks forward to even more creative and professionalism within the perimeters of law enforcement in San Francisco as they really try and incooperate a totality of excellence in all divisions and department. He said The Commission looks forward to the teams support also of The Commission and their leadership to these key positions. He ended by saying: "Welcome Aboard Gentlemen."

Chief Jordan advised The Commissioners that they were welcome to inspect any of the police facilities, and if desired, The Department would be most happy to assist them. He said also at least once a month he would like to bring in one unit or detail in the Police Department to brief The Commission on exactly what the unit or detail does.

Commissioner Sanchez thanked Chief Jordan and called for the next item.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT PROPOSED PRISONER TRANSPORTATION CONTRACT.

Captain Henry Eidler of the Technical Services Bureau gave the Commissioners an overview of what this contract would provide for the San Francisco Police Department. After answering key questions from The Commission as to the contract's beneficence and expeditous ramifications, Commissioner Nelder moved for approval.

Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 150-86

APPROVAL OF PRISONER TRANSPORTATION CONTRACT

WHEREAS, the San Francisco Police Department desires to reduce its inter-county prisoner transportation costs, and

WHEREAS, the Department must now transport prisoners from the Northern California Counties by air; and

WHEREAS, prisoner transportation costs may be significantly reduced by obtaining less expensive ground transportation; and

WHEREAS, Tri-County Extradition is licensed by the Public Utilities Commission transporting prisoners throughout California with positive testimonials from California Law Enforcement Agencies, and

WHEREAS, obtaining the services of Tri-County Extradition would enable the Department to access prisoner transportation by ground from Northern California Counties; now therefore be it

RESOLVED, that the Police Commission authorizes the Chief of Police to enter into a contract for prisoner transportation with Tri-County Extradition.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER NO. R-1, "VEHICLE ACCIDENTS INVOLVING MEMBERS"

Deputy Chief Willis Casey addressed The Commission on this item and said that on January 1, 1986 the state legislature made the seat belt law mandatory. He said this General Order is before The Commission tonight to include this provision for members of the San Francisco Police Department. Motion for approval was made by Commissioner Nelder, it wa seconded and unanimously approved.

DEPARTMENT GENERAL ORDER R-1, "VEHICLE ACCIDENTS INVOLVING MEMBERS"

RESOLUTION NO. 151-86

RESOLVED, that the Police Commission hereby approves the revision of Department General Order R-1, Vehicle Accidents Involving Members.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER NO. Q-6 "NARCOTIC EVIDENCE CUSTODY PROCEDURE"

Deputy Chief Casey said this Order is a new order. He said it fills a vacuum that has existed in the Department with regard to handling of narcotic evidence once it is taken from the Crime Lab. He then explained the procedures as to how the Narcotics evidence is gathered, tested and stored. He said when the case comes to court the evidence must be presented in court. He said, when the court it must appear in is here in the Hall of Justice there is no problem, but, when it is for City Hall, or Federal Court or State Court then problems arise. He said this General Order has been written to prevent those problems and it is a step by step guideline for Officers to follow when the Narcotics evidence is checked out of the Crime Lab. Commissioner Nelder said that he looked over the order and felt it was very good and definitely necessary and he would therefore move approval. It was seconded by Commissioner Davis and unanimously approved.

DEPARTMENT GENERAL ORDER Q-6, :NARCOTIC EVIDENCE CUSTODY PROCEDURE"

RESOLUTION NO. 152-86

RESOLVED, that The Police Commission hereby approves Department General Q-6, "Narcotic Evidence Custody Procedure".

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

SETTING OF DATE FOR HEARING OF POLICE OFFICER ARRON O. BARNES, CENTRAL STATION

RESOLUTION NO. 154-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Aaron O. Barnes, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing of the disciplinary charges filed against Officer Aaron O. Barnes be continued to March 27, 1986; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Aaron O. Barnes is set for Thursday, March 27, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

SETTING OF DATE FOR HEARING OF POLICE OFFICER WILLIAM F. JOHNSTON, CENTRAL STATION

RESOLUTION NO. 114-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer William F. Johnston, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing of the disciplinary charges filed against Office William F. Johnston be continued to January 30, 1986; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer William F. Johnston, is set for Thursday, January 30, 1986 at 5:30 p.m. in Room 551. Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

HEARING OF POLICE OFFICER RICHARD WOO, POLICE COMMUNICATIONS DIVISION

RESOLUTION NO. 155-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Richard Woo, Police Communications Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. William Murphy, Attorney at Law, representing Officer Richard Woo, that the date for the hearing before the Police Commission be continued to March 20, 1986; therefore be it

RESOLVED, that the hearing of disciplinary charges filed against Police Office Richard Woo, Communications Division, is set for Thursday, March 20, 1986 at 1730 hours in Room 551, Hall of Justice .

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF POLICE OFFICER MICHAEL T. KENNY, VICE CRIMES DIVISION/NARCOTICS

RESOLUTION NO. 156-86

WHEREAS, on November 14, 1985, George Eimil, Acting Chief of Police for the San Francisco Police Department, made and served charges against Police Officer Michael T. Kenny, Vice Crimes Division/Narcotics, through Officer Kenny's attorney, John Prentice, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Sexual harassment of a City and County employee (violation of Section 16.9-25(a) of the San Francisco Administrative Code).

and

WHEREAS, The Police Commission set Thursday, January 23, 1986, as the date for the hearing on charges filed against Police Officer Michael T. Kenny; and

WHEREAS, Chief of Police Frank M. Jordan announced that the Police Department was in receipt of the resignation of Officer Michael Kenny from the San Francisco Police Department, said resignation effective January 23, 1986 at 1730 hours, which resignation was accepted with the condition that the services of Officer Michael T. Kenny have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Michael T. Kenny, be, and the same are hereby continued off calendar.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE THE ACCEPTANCE OF A DONATION OF A VAN FROM THE SAN FRANCISCO POLICE OFFICERS' ASSOCIATION AND THE BOTHIN FOUNDATION ($17,683.26) FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS ADVENTURE YOUTH PROGRAM OF THE COMMUNITY SERVICES DIVISION.

This item was addressed by Police Officer Lois Duran of the Community Services Division. He advised the Commission that the Adventure Wilderness Youth Program began about 5 years ago with the idea to get San Francisco youth and San Francisco Police Officers together in a non-threatening situation. He said what they are trying to accomplish is to get rid of some of those feelings of anxiety when Police Officers approach young kids on street corners or in parks. He said what the program does is to take some young people on back packing trips, snow trips, rafting trips, to Yosemite National park and to various other sites around the Bay Area.

Commissioner Sanchez said this program was the idea of the Officers themselves, that it was not a formalized program that just came by, but by a number of Officers who got together and said how can we break down some of the apprehension and attitudes existing between Officers and Youth in the Community? Their solution was, he said, the creation of this program.

Commissioner Nelder said he would move approval, Commissioner Davis seconded and it was unanimously approved.

RESOLUTION NO. 116-86

AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT TO ACCEPT A GIFT OF A VAN, THE VALUE OF WHICH IS MORE THAN FIVE THOUSAND DOLLARS, FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT (SFPD) WILDERNESS ADVENTURE YOUTH PROGRAM OF THE COMMUNITY SERVICES DIVISION

WHEREAS, the San Francisco Police Officers' Association and the Bothin Foundation have made a most generous offer to donate a 15-passenger van to the San Francisco Police Department; and

WHEREAS, the San Francisco Police Department has need of such a vehicle for use by the SFPD Wilderness Adventure Youth Program of the Community Services Division; and

WHEREAS, Section 10.16 of the San Francisco Administrative Code authorized the head of a department to accept gifts of up to a value of five thousand dollars; and

WHEREAS, in order to accept a gift of a value greater than five thousand dollars, authorization must be received from the Board of Supervisors; therefore be it

RESOLVED, that The Police Commission hereby requests the Board of Supervisors to adopt the attached Resolution of The Police Commission which authorizes the Chief of Police to accept the gift, valued at more than five thousand dollars, on behalf of the San Francisco Police Department, for use by the SFPD Wilderness Adventure Youth Program of the Community Services Division.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

THE MEETING WAS THEN ADJOURNED AT 6:25 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

JANUARY 30, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, January 30, 1986, at 1700 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

Commissioner Sanchez presiding.

1. Attorney-Client Conference

JANUARY 30, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 30, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Franciso:

RESOLUTION NO. 194-86

HOSSEIN HAMZAVI AND RUTH HAMZAVI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hossein Hamzavi and Ruth Hamzavi in the sum of $3,000.00 each (total $6,000.00) as the result of damages and lost property, be, and the same is hereby approved.

Date of Incident: November 5, 1984
Discovered May 7, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 195-86

CLARA A. RECCHIONI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clara A. Recchioni in the sum of $2,300.00 as the result of injuries sustained, be, and the same is hereby approved.

Date of Incident: October 7, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 208-86

ABC TOWING (DELGADO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Delgado) in the sum of $90.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 209-86

ABC TOWING (KING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (King) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 210-86

ABC TOWING (MOBLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Mobley) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 211-86

ABC TOWING (FRAZIER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Frazier) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 212-86

ABC TOWING (WATKINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Watkins) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 213-86

ABC TOWING (FIELDS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fields) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 6, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 214-86

ABC TOWING (M. LEE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (M. Lee) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 215-86

ABC TOWING (PEROSITANES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Perositanes) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 216-86

ABC TOWING (RANSOM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ransom) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION 217-86

ROBERT K. STANGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert K. Stanger in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 218-86

PRAVEENDRA PRASAD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Praveendra Prasad in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 219-86

CHRISTINE MARIE HAMILTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Marie Hamilton in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 220-86

LYRINDA SNYDERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lyrinda Snyderman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 221-86

LINDA F. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda F. Williams in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1985

AYES: Commissioners Davis, Gioraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 222-86

JOSE ANTONIO CASTILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose Antonio Castillo in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 223-86

CATHERINE T. COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine T. Collins in the sum of $26.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder advised the Chief he had heard that there were some problems with one of the towing companies and requested information in that regard.

Chief Jordan in response, said that the latest developments are that the Department is looking at the ordianance as it currently exist which mandates that there are no facilities in the City available to allow abandoned automobiles to be stored anywhere in the City. He said they are looking and are working with a number of city agencies including the Mayor's Office to see what can be done to find a new location. He said that right now all tow companies feel that it is not cost effective to tow any abonded automobile in San Francisco and take it to a location outside of San Francisco. He continued by saying that right now the Department does have a deleman as there is an average of 25 vehicles per day that are landing on the San Francisco Streets and being left totally abandoned. He said he hopes to have a resolution of this problem within a week.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan advised The Commission that he had no report for The Commission at this time.

PUBLIC HEARING OF THE POLICE DEPARTMENT'S PRELIMINARY DRAFT BUDGET FOR FISCAL YEAR 1986/87.

Captain Michael Brush addressed this item and advised The Commission that The Department was required this year to submit two budgets, one for 100% of the Department's expenditures for this year and one for 90% which required a cut of approximately 15 1/2 million dollars. He said the realistic budget is the 100% budget and in it there are no major cuts or new programs and it is very very similar to last years budget. He said approximately 95% will be personnel cost.

Director Frank Schober of the Office of Citizens Complaints (OCC) then addressed The Commission on the (OCC) Budget. He said his initial concern was that the (OCC) had been assessed for salary savings for the 86/87 budget but he has now learned that is not the case. However, he said, the OCC Budget as it is submitted places the unit approximately $40,000 dollars under the madated Charter Cap. He said they are now able to live with that because complaints are down by 1/3 and they have also been funded and approved by both the Board of Supervisors and the ICEPICK COMMITTEE for additional personal computers which will help with the burden of secretarial work.

He said they will be submitting to The Commission on a future date a re-calulation of the Charter's 60% cap on the OCC Budget. He continued by saying when the orginal calculation was done the parties did not consider indirect cost when assessing the cost of any govermental agency.

As there were no speakers from the audience who wanted to address the San Francisco Police Department 86/86 Budget, Commissioner Nelder said he could see no reason to continue the discussion on the item, that the Commissioners had studied it very carefully and he would therefore make a motion to close the public hearing and vote it out accordingly.

Commissioner Davis seconded and it was unanimously approved to close the Public Hearing.

Commissioner Giraudo then made a motion to adopt The Department's budget as presented.

It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 199-86

OPERATING BUDGET FOR FISCAL YEAR 1986-1987 - SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the operating budget of the San Francisco Police Department for the fiscal year 1986-1987 in the amount of $173,022,454 as submitted by Chief of Police Frank M Jordan.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

The Commission then returned to item #5.

PRESENTATION OF CERTIFICATE TO POLICE OFFICER JOEL E. HARMS, TRAFFIC DIVISION/SOLO MOTORCYCLES, FOR BEING SELECTED AS "MY FAVORITE COP" FOR THE MONTH OF JANUARY 1986

Chief Jordan said he would like to make a few comments on this matter. He said as the Commissioners all know that Officer Joel Harms was the recipient of the "My Favorite Cop" award for this month. He said a luncheon was held last week honoring the Officer and at that luncheon a great number of awards were presented to him and tonight two more awards are to be given to him that were not available at the luncheon. He said one is the San Francisco Police Commission Award and also a check for $1,000 from the Friends of the Police Department. He said he would now introduce the representative from the Friends of the San Francisco Police Department. After giving background information on Officer Harms, The Chief introduced Mr. Rubin Clickman, Vice President of the "Friends of the San Francisco Police Department".

Mr. Glickman said he takes great pleasure in presenting Officer Harms this check for $1000.

Commissioner Sanchez then made the presentation of the Police Commission Certificate of Appreciation. He said because of the shift in command and the signatures required the certificate was not available at the time of the luncheon.

However, he said on behalf of the full Commission, he wanted everyone to personally see the Officer, and also wanted to thank the Friends of the San Francisco Police Department" for sharing this honor and making this financial contribution.

Mr. Glickman then said that he would like to say a few words. He said the President of the Friends of the Police, Mrs. Connie Lurie, asked him to say a few words on behalf of the Friends. He said the Purpose of the Friends of the Police Department is to raise and disburse funds to support programs, make awards to members of the Police Department, purchase items for which the expenditure of regularly budgeted funds is not appropriate and which are intended to raise the morale of members, improve the public image of the Department and improve the delivery of service to the public. He continued by saying that, during the last five years he noticed that the Friends have raised in excess of $100,000 for such things as: "the purchase of four horses, repairs and purchase of equipment for the stables, the purchase and training of a narcotics dog, the restoration of the Lincoln Limousine, the restoration of the Antique Mororcycle, helping to fund the Police Museum and the fingerprinting program for the school children. He said the Friends now have a couple of new members and he knows they will be raising some more money and this is really an honor for them to fund some of these things that cannot be gotten from The Department's budget.

Commissioner Sanchez said he wanted to thank Mr. Glickman and the Friends for making such outstanding contributions and support for the men and women of the San Francisco Police Department. He said he looks forward to working with them and the Department's new Chief for many many more years.

SETTING OF DATE FOR HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER WILLIAM F. JOHNSTON, CENTRAL STATION

RESOLLUTION NO. 192-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer William F. Johnston, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer William F. Johnston be set for February 13, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer William F. Johnston, is set for Thursday, February 13, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOHNNIE FLANNIGAN, MISSION STATION

RESOLUTION NO. 160-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Johnnie Flannigan, Mission Station, as follows:

CHARGE NO. 1

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which subverts the good order, efficiency and discipline of the Deparetment and which casts discredit on the Department (violation of Rule A-9 of General Order D-1).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Johnnie Flannigan, Mission Station, is set for Thursday, February 6, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J3 HELD BY ANTONIO M. DAVID, Sr.

RESOLUTION NO. 197-86

WHEREAS, Mr. Antonio M. David, Sr. was granted a Jitney Bus Permit #J3 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Antonio M. David, Sr. was granted a 90-day suspension on August 24, 1985 and ended on November 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Antonio M. David, Sr.; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on January 30, 1986; and

WHEREAS, Mr. David appeared in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission, based on the findings of the facts by the Chief of Police, that the Police Commission hereby directs the Permit Section to suspend the operation of Antonio M. David, Sr.'s jitney bus operation for five days, to be held in abeyance for ninety (90) days, providing the insurance requirement is met.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J47 HELD BY MR. THOMAS B. CANOTAL

RESOLUTION NO. 157-86

WHEREAS, Mr. Thomas B. Canotal was granted a Jitney Bus Permit #J47 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Thomas B. Canotal was granted a 90 day suspension on August 24, 1985 and ended on November 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Thomas B. Canotal; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, on January 14, 1986 and on January 30, 1986, Mr. Thomas B. Canotal testified that he has not been operating his Jitney because he cannot afford the insurance premiums; therefore be it

RESOLVED, that it is the order of The Police Commission, based on the findings of the facts by the Chief of Police, that The Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license/permit authorizing Thomas B. Canotol to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J34 HELD BY MS MINNIE O. AARON

RESOLUTION NO. 158-86

WHEREAS, Ms. Minnie O. Aaron was granted a Jitney Bus Permit #J34 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Ms. Minnie O. Aaron was granted a 90 day suspension on August 24, 1985 and ended on Novenber 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Ms. Minnie Aaron; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, on January 14, 1986 and on January 30, 1986, Ms. Minnie O. Aaron testified that she has not been operating her Jitney because she cannot afford the insurance premiums; therefore be it

RESOLVED, that it is the Order of The Police Commission, based on the findings of the facts by the Chief of Police, that The Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license/permit authorizing Minnie O. Aaron to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

STATUS REPORT ON POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

RESOLUTION NO. 193-86

WHEREAS, the status report of Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been set for this date; and

WHEREAS, Police Officer Dennis M. Costanzo appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, it was the recommendation of the Chief of Police Frank M. Jordan that more time be allowed in order to evaluate Officer Costanzo's progress; therefore be it

RESOLVED, that The Commission accepts the recommendation of Chief of Police Frank M. Jordan and orders it upon Officer Costanzo to report before the Police Commission on Thursday, February 20, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez.

HEARING OF POLICE RECRUIT OFFICER JULIAN A. HILL, POLICE ACADEMY

RESOLUTION NO. 159-86

WHEREAS, the hearing of Recruit Officer Julian A. Hill, Police Academy, was called it having been set for this date; and

WHEREAS, Recruit Officer Julian A. Hill appeared in person and was represented by Mr. James Collins, Attorney at Law.

WHEREAS, Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

WHEREAS, an opening statement was made by Mr. Michael Gash for the Prosecution.

WHEREAS, an opening statement was made by Mr. James Collins for the Defense. He made a motion to take the matter off calendar.

WHEREAS, Chief of Police Frank M. Jordan requests that the charges be withdrawn and that Officer Julian A. Hill be reinstated in the San Franciso Police Department; therefore be it

RESOLVED, that charges filed against Recruit Police Officer Julian A. Hill, Police Academy, are withdrawn by Order of The Police Commission in concurrence with the Chief's request.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Commissioner Sanchez asked that the Commission adjourn in memory of the late six Astronauts and 1st Teacher Astronaut who were killed in the recent NASA Shuttle Launch. The Meeting was then adjourned in their memory.

THE MEETING WAS THEN ADJOURNED AT 7:13 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

SF
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1/30/86

JANUARY 30, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, January 30, 1986, at 1700 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

Commissioner Sanchez presiding.

1. Attorney-Client Conference

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JANUARY 30, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 30, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Franciso:

RESOLUTION NO. 194-86

HOSSEIN HAMZAVI AND RUTH HAMZAVI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hossein Hamzavi and Ruth Hamzavi in the sum of $3,000.00 each (total $6,000.00) as the result of damages and lost property, be, and the same is hereby approved.

Date of Incident: November 5, 1984
Discovered May 7, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 195-86

CLARA A. RECCHIONI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clara A. Recchioni in the sum of $2,300.00 as the result of injuries sustained, be, and the same is hereby approved.

Date of Incident: October 7, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 208-86

ABC TOWING (DELGADO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Delgado) in the sum of $90.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 209-86

ABC TOWING (KING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (King) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 210-86

ABC TOWING (MOBLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Mobley) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 211-86

ABC TOWING (FRAZIER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Frazier) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 212-86

ABC TOWING (WATKINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Watkins) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 213-86

ABC TOWING (FIELDS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fields) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 6, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 214-86

ABC TOWING (M. LEE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (M. Lee) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 215-86

ABC TOWING (PEROSITANES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Perositanes) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 216-86

ABC TOWING (RANSOM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ransom) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION 217-86

ROBERT K. STANGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert K. Stanger in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 223-86

CATHERINE T. COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine T. Collins in the sum of $26.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder advised the Chief he had heard that there were some problems with one of the towing companies and requested information in that regard.

Chief Jordan in response, said that the latest developments are that the Department is looking at the ordianance as it currently exist which mandates that there are no facilities in the City available to allow abandoned automobiles to be stored anywhere in the City. He said they are looking and are working with a number of city agencies including the Mayor's Office to see what can be done to find a new location. He said that right now all tow companies feel that it is not cost effective to tow any abonded automobile in San Francisco and take it to a location outside of San Francisco. He continued by saying that right now the Department does have a deleman as there is an average of 25 vehicles per day that are landing on the San Francisco Streets and being left totally abandoned. He said he hopes to have a resolution of this problem within a week.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan advised The Commission that he had no report for The Commission at this time.

PUBLIC HEARING OF THE POLICE DEPARTMENT'S PRELIMINARY DRAFT BUDGET FOR FISCAL YEAR 1986/87.

Captain Michael Brush addressed this item and advised The Commission that The Department was required this year to submit two budgets, one for 100% of the Department's expenditures for this year and one for 90% which required a cut of approximately 15 1/2 million dollars. He said the realistic budget is the 100% budget and in it there are no major cuts or new programs and it is very very similar to last years budget. He said approximately 95% will be personnel cost.

Director Frank Schober of the Office of Citizens Complaints (OCC) then addressed The Commission on the (OCC) Budget. He said his initial concern was that the (OCC) had been assessed for salary savings for the 86/87 budget but he has now learned that is not the case. However, he said, the OCC Budget as it is submitted places the unit approximately $40,000 dollars under the madated Charter Cap. He said they are now able to live with that because complaints are down by 1/3 and they have also been funded and approved by both the Board of Supervisors and the ICEPICK COMMITTEE for additional personal computers which will help with the burden of secretarial work.

He said they will be submitting to The Commission on a future date a re-calulation of the Charter's 60% cap on the OCC Budget. He continued by saying when the orginal calculation was done the parties did not consider indirect cost when assessing the cost of any govermental agency.

As there were no speakers from the audience who wanted to address the San Francisco Police Department 86/86 Budget, Commissioner Nelder said he could see no reason to continue the discussion on the item, that the Commissioners had studied it very carefully and he would therefore make a motion to close the public hearing and vote it out accordingly.

Commissioner Davis seconded and it was unanimously approved to close the Public Hearing.

Commissioner Giraudo then made a motion to adopt The Department's budget as presented.

It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 199-86

OPERATING BUDGET FOR FISCAL YEAR 1986-1987 - SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the operating budget of the San Francisco Police Department for the fiscal year 1986-1987 in the amount of $173,022,454 as submitted by Chief of Police Frank M Jordan.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

The Commission then returned to item #5.

PRESENTATION OF CERTIFICATE TO POLICE OFFICER JOEL E. HARMS, TRAFFIC DIVISION/SOLO MOTORCYCLES, FOR BEING SELECTED AS "MY FAVORITE COP" FOR THE MONTH OF JANUARY 1986

Chief Jordan said he would like to make a few comments on this matter. He said as the Commissioners all know that Officer Joel Harms was the recipient of the "My Favorite Cop" award for this month. He said a luncheon was held last week honoring the Officer and at that luncheon a great number of awards were presented to him and tonight two more awards are to be given to him that were not available at the luncheon. He said one is the San Francisco Police Commission Award and also a check for $1,000 from the Friends of the Police Department. He said he would now introduce the representative from the Friends of the San Francisco Police Department. After giving background information on Officer Harms, The Chief introduced Mr. Rubin Clickman, Vice President of the "Friends of the San Francisco Police Department".

Mr. Glickman said he takes great pleasure in presenting Officer Harms this check for $1000.

Commissioner Sanchez then made the presentation of the Police Commission Certificate of Appreciation. He said because of the shift in command and the signatures required the certificate was not available at the time of the luncheon.

However, he said on behalf of the full Commission, he wanted everyone to personally see the Officer, and also wanted to thank the Friends of the San Francisco Police Department" for sharing this honor and making this financial contribution.

Mr. Glickman then said that he would like to say a few words. He said the President of the Friends of the Police, Mrs. Connie Lurie, asked him to say a few words on behalf of the Friends. He said the Purpose of the Friends of the Police Department is to raise and disburse funds to support programs, make awards to members of the Police Department, purchase items for which the expenditure of regularly budgeted funds is not appropriate and which are intended to raise the morale of members, improve the public image of the Department and improve the delivery of service to the public. He continued by saying that, during the last five years he noticed that the Friends have raised in excess of $100,000 for such things as: "the purchase of four horses, repairs and purchase of equipment for the stables, the purchase and training of a narcotics dog, the restoration of the Lincoln Limousine, the restoration of the Antique Mororcycle, helping to fund the Police Museum and the fingerprinting program for the school children. He said the Friends now have a couple of new members and he knows they will be raising some more money and this is really an honor for them to fund some of these things that cannot be gotten from The Department's budget.

Commissioner Sanchez said he wanted to thank Mr. Glickman and the Friends for making such outstanding contributions and support for the men and women of the San Francisco Police Department. He said he looks forward to working with them and the Department's new Chief for many many more years.

SETTING OF DATE FOR HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER WILLIAM F. JOHNSTON, CENTRAL STATION

RESOLLUTION NO. 192-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer William F. Johnston, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer William F. Johnston be set for February 13, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer William F. Johnston, is set for Thursday, February 13, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOHNNIE FLANNIGAN, MISSION STATION

RESOLUTION NO. 160-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Johnnie Flannigan, Mission Station, as follows:

CHARGE NO. 1

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which subverts the good order, efficiency and discipline of the Deparetment and which casts discredit on the Department (violation of Rule A-9 of General Order D-1).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Johnnie Flannigan, Mission Station, is set for Thursday, February 6, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J3 HELD BY ANTONIO M. DAVID, Sr.

RESOLUTION NO. 197-86

WHEREAS, Mr. Antonio M. David, Sr. was granted a Jitney Bus Permit #J3 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Antonio M. David, Sr. was granted a 90-day suspension on August 24, 1985 and ended on November 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Antonio M. David, Sr.; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on January 30, 1986; and

WHEREAS, Mr. David appeared in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission, based on the findings of the facts by the Chief of Police, that the Police Commission hereby directs the Permit Section to suspend the operation of Antonio M. David, Sr.'s jitney bus operation for five days, to be held in abeyance for ninety (90) days, providing the insurance requirement is met.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J47 HELD BY MR. THOMAS B. CANOTAL

RESOLUTION NO. 157-86

WHEREAS, Mr. Thomas B. Canotal was granted a Jitney Bus Permit #J47 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Thomas B. Canotal was granted a 90 day suspension on August 24, 1985 and ended on November 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Thomas B. Canotal; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, on January 14, 1986 and on January 30, 1986, Mr. Thomas B. Canotal testified that he has not been operating his Jitney because he cannot afford the insurance premiums; therefore be it

RESOLVED, that it is the order of The Police Commission, based on the findings of the facts by the Chief of Police, that The Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license/permit authorizing Thomas B. Canotol to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J34 HELD BY MS MINNIE O. AARON

RESOLUTION NO. 158-86

WHEREAS, Ms. Minnie O. Aaron was granted a Jitney Bus Permit #J34 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Ms. Minnie O. Aaron was granted a 90 day suspension on August 24, 1985 and ended on Novenber 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Ms. Minnie Aaron; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, on January 14, 1986 and on January 30, 1986, Ms. Minnie O. Aaron testified that she has not been operating her Jitney because she cannot afford the insurance premiums; therefore be it

RESOLVED, that it is the Order of The Police Commission, based on the findings of the facts by the Chief of Police, that The Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license/permit authorizing Minnie O. Aaron to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

STATUS REPORT ON POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

RESOLUTION NO. 193-86

WHEREAS, the status report of Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been set for this date; and

WHEREAS, Police Officer Dennis M. Costanzo appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, it was the recommendation of the Chief of Police Frank M. Jordan that more time be allowed in order to evaluate Officer Costanzo's progress; therefore be it

RESOLVED, that The Commission accepts the recommendation of Chief of Police Frank M. Jordan and orders it upon Officer Costanzo to report before the Police Commission on Thursday, February 20, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez.

HEARING OF POLICE RECRUIT OFFICER JULIAN A. HILL, POLICE ACADEMY

RESOLUTION NO. 159-86

WHEREAS, the hearing of Recruit Officer Julian A. Hill, Police Academy, was called it having been set for this date; and

WHEREAS, Recruit Officer Julian A. Hill appeared in person and was represented by Mr. James Collins, Attorney at Law.

WHEREAS, Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

WHEREAS, an opening statement was made by Mr. Michael Gash for the Prosecution.

WHEREAS, an opening statement was made by Mr. James Collins for the Defense. He made a motion to take the matter off calendar.

WHEREAS, Chief of Police Frank M. Jordan requests that the charges be withdrawn and that Officer Julian A. Hill be reinstated in the San Franciso Police Department; therefore be it

RESOLVED, that charges filed against Recruit Police Officer Julian A. Hill, Police Academy, are withdrawn by Order of The Police Commission in concurrence with the Chief's request.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Commissioner Sanchez asked that the Commission adjourn in memory of the late six Astronauts and 1st Teacher Astronaut who were killed in the recent NASA Shuttle Launch. The Meeting was then adjourned in their memory.

THE MEETING WAS THEN ADJOURNED AT 7:13 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

15
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Minutes

FEBRUARY 6, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 6, 1986, at 1700 hours in a Special meeting in Closed Session.

PRESENT: Commissioners Sanchez, Nelder, Owens
ABSENT: Commissioners Davis, Giraudo

Commissioner Sanchez presiding.

1. Attorney-Client Conference

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FEBRUARY 6, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 6, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Davis
ABSENT: Commissioners Giruado, Owens

PRESENTATION OF MEDALS OF VALOR CERTIFICATES

Commissioner Sanchez said that this agenda item is one of the most important events pertaining to The Police Department and Police Commission's activities under The City Charter of San Francisco. He said, it, in essence, is part of a process and tradition that has been in operation for close to 125 years and it is called the Medal of Valor Award Process. He said, this evening The Department and Commission is here to recognize these Officers who have gone through a rigorous screening process held by the Captains, Commanders, Deputy Chiefs and The Chief of Police pursuant to the exercise of proper rules and procedures of The Department. He continued by saying that each Commissioner has an opportunity to Chair one of these Awards Committees and it is by far one of the most enlightening processes for a Police Commissioner to serve on. He said at this point he wanted to congratulate the Officers who are being recognized this evening for a job well done. He said he would like to congratulate the families of the Officers for their continued support as the Officers have continually performed the highest degree of professionalism in their day to day activities as law enforcement officers in this City.

Commissioner Nelder said he would simply echo the remarks Commissioner Sanchez made in that this is one of the most pleasurable opportunities for the Commissioners. And also, if everyone listens carefully when Lieutenant Frazier reads out the actions of the various Officers winning these awards, it will be obvious to everyone that they do perform real outstanding professional work. It also simply makes The City and County a little more safer for people to live in it. He said he too would also like to congratulate the Officers and their families.

Commissioners Owen said that this is the first meeting in which she has had the honor to participate in such an important process. She said she would like to congratulate the Officers and advise that they do their families well in being honored here today.

The following Officers were then presented Medals of Valor and/or Meritorious Certificates of Awards:

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The following Officers were then presented Medals of Valor and/or Meritorious Certificates of Awards:

Officer Edward B. Dullea	Silver Medal
Officer Jeremiah W. Morgan	Silver Medal
*Officer Reno L. Rapagnani	Silver Medal
*Officer William S. Taylor	Silver Medal
Officer Kevin Whalen	Silver Medal
Officer William Wohler	Silver Medal

(*Two Silver Medals)

Lieutenant David Christensen	Bronze Medal
Sergeant Ignacio Fuentes	Bronze Medal
Sergeant James Meyer	Bronze Medal
Sergeant Lawrence Price	Bronze Medal
Sergeant Richard R. Weick	Bronze Medal
Officer Victor Aissa	Bronze Medal
Officer Robert Bohanan	Bronze Medal
Officer Craig M. Brandolino	Bronze Medal
Officer William Brunicardi	Bronze Medal
Officer Lorie A. Collins	Bronze Medal
Officer Edward Collins	Bronze Medal
Officer Gordon G. Clark	Bronze Medal
Officer Kenneth Esposto	Bronze Medal
Officer Jonathan Fong	Bronze Medal
Officer Ricardo L. Galande	Bronze Medal
Officer Daniel Gardner	Bronze Medal
Officer Stephen Gough	Bronze Medal
Officer Laura Heaton	Bronze Medal
Officer George L. Huegle	Bronze Medal
Officer Peter Ionin	Bronze Medal
Officer Ivan W. Jackson	Bronze Medal
Officer David Kamita	Bronze Medal
*Officer Albert Lum	Bronze Medal
Officer Robert Mammone	Bronze Medal
Officer Glendon Melanson	Bronze Medal
Officer William Minkel	Bronze Medal
Officer Michael J. Moran	Bronze Medal
Officer Stephen J. Mulkeen	Bronze Medal
Officer Michael Niland	Bronze Medal
Officer Maria Oropeza	Bronze Medal
Officer Andrew A. Rolfles	Bronze Medal
Officer Nicholas Rubino	Bronze Medal
Officer Manuel C. Solano	Bronze Medal
Officer Arthur Stellini	Bronze Medal
Officer Robert L. Red	Bronze Medal
Officer Jere Williams	Bronze Medal
Officer Bryan Woo	Bronze Medal

(*Two Bronze Medals)

Inspector Lorin Dubour	Meritorious
Inspector Frank Falzon	Meritorious
Inspector Carl Klotz	Meritorious
Inspector Donnie Hansen	Meritorious
Inspector Alfredo Matteoni	Meritorious
Inspector Michael Mullane	Meritorious
Officer James L. Batchelor	Meritorious
*Officer Fred Crisp	Meritorious
Officer Brian M. D'Arcy	Meritorious
Officer Robert J. DelTorre	Meritorious
Officer Heinz H. Hofmann	Meritorious
*Officer Robert McMillan	Meritorious
Officer Ronald Roth	Meritorious
Officer John R. Schmolke	Meritorious
Officer Richard G. Sheehan	Meritorious
Officer Patrick Tobin	Meritorious
Officer Daylene Wood	Meritorious

(*Two Meritorious Conduct Awards)

APPROVAL OF MINUTES OF MEETING OF JANUARY 9, 1986

Approval of Minutes of the Meeting of January 9, 1986. The Commissioners having received, approved and returned copies same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 201-86

FREDERIC HANDSCHUH vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frederic Handschuh in the sum of $6,500.00 entitled "Frederic Handschuh vs. City and County of San Francisco, et al" in Superior Court No. 800-434 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: December 7, 1979

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 202-86

NEAL HERZSTEIN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Neal Herzstein in the sum of $4,500.00 entitled "Neal Herzstein vs. City and County of San Francisco; Michele Ann Pyrol and DOES 1 through 10, inclusive" in Superior Court No. 811-383 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 26, 1983

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 203-86

EDWARD ARNOLD vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the supplement claim to the previous claim of Edward Arnold in the sum of $189.40 (previous claim $2,405.00 approved) in Superior Court No. 824-248 entitled "Edward Arnold vs. City and County of San Francisco, et al" as the result of court costs, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 204-86

RALPH H. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph H. Miller in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 205-86

FREDERICK BELAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frederick Beland in the sum of $6,645.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 26, 1984

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 203-86

EDWARD ARNOLD vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the supplement claim to the previous claim of Edward Arnold in the sum of $189.40 (previous claim $2,405.00 approved) in Superior Court No. 824-248 entitled "Edward Arnold vs. City and County of San Francisco, et al" as the result of court costs, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 224-86

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of The Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Vicki Quinn (Aerobic Certification Clinic
Officer Lynne Torres (Hayward, California
(12/07/85 - 12/08/85
($135.00 each

RESOLUTION NO. 206-85

AUTHORIZATION OF LESLIE MOSER, COMMUNICATIONS DIV., TO ATTEND THE DISPATCHER'S ROLE IN OFFICER SURVIVAL COURSE IN BERKELEY, CA ON FEBRUARY 15, 1986

RESOLVED, that the recommendation of the Chief of Police that Ms. Leslie Moser, Dispatcher, Communications Division, be authorized to attend the Dispatcher's Role in Officer Survial Course, conducted by J.T. Seminars, Inc. in Berkeley, California on February 15, 1986, is hereby approved; and be it further

RESOLVED, that expenses in the amount of $40.00 for registration will be defrayed by the Department Training Fund.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 207-86

AUTHORIZATION OF OFFICER LLOYCE TUCKER, POLICE GARAGE, TO ATTEND HOW TO MAINTAIN A FLEET OPERATION IN OAKLAND, CA FROM FEBRUARY 18 TO FEBRUARY 21, 1986

RESOLVED, that the recommendation of the Chief of Police that Officer Lloyce Tucker, Police Garage, be authorized to attend How to maintain a Fleet Operation, conducted by Wright State University in Oakland, California from February 18 to Febraury 21, 1986, is hereby approved; and be it further

RESOLVED, that expenses in the amount of $619.00 for registration and meals will be defrayed by The Department Training Fund.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

POLICE COMMISSION REPORT

Commissioner Sanchez said The Commission has, over the years, been very concerned about the enforcement of the Taxicab rules regulations and procedures pertaining not only to public safety and convenience but those charges that basically the Department and The Commission has regarding its implementation of Proposition K. He said because of the change of command, The Commission at this point is going to request of the Chief and the Department to undertake a full compliance assessment of the Taxicab Rules and Regulations pertaining to all vehicles under Proposition K.

Chief Jordan advised The Commission that at this time he would have Lieutenant Gregory Winters of the Permit Section give The Commission an update as to the current status of the Taxicab Industry and other Vehicles for Hire.

Lieutenant Winters said that there are a substantial number of cabs currently operating on the streets that do not have endorsements that are mainly indemmed with the City and County. He continued by saying there are no cab permits as of this evening that are under insured, however, he said the protective endorsements that are required under Proposition K, and where the Chief has required it under his regulations are not being met by the majority. He said in their claim that they are limited carriers is understandible when there are carriers that will cover that amount. He said, as to the corporate matter, the Permit Section has done research and the problem affects slightly under 10% of the total number of permits on the street that the Permit Section is aware of now. He said to be fair to all of the parties the Permit Section will have to do another assessment of the corporations as the Permit Section knows of several that are now in violation.

Commissioner Sanchez then stated that now is the time to have a uniform assessment of the totality of the Vehicle For Hire Industry in the City and therefore have it brought back to The Commission for review and discussion.

He then said, under item B, there was a request sent to The Commission to reconsider The Veterans Taxicab Company's Petion vs. Speck Cab Company which The Commission heard in 1981 where The City Attorney, at that time, advised that The Commission follow a course of action where both parties would be in compliance. He said he would like the Secretary of The Commission, along with The Department to obtain additional information pertaining to the matter of the petition to see if in fact that matter is in compliance and if it is not then it will be necessary to obtain The City Attorney's Opinon along with a review of The Department as to what action The Department must consider pertaining to rules as dictated by Proposition K. He then advised that all parties should be notified that The Commission will calendar this matter at a future meeting.

The Commission then called for a report on the current status of abandoned vehicles in The City.

Chief Jordan said he intended to bring this matter up under the Chief's Report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said Commissioner Nelder did have some questions about abandoned vehicles and what could be done about them. He then called upon Lieutentant John Newlin to give The Commission an update as to where The Department is on this issue at this point in time. Lieutenant John Newlin said that there are approximately 6,000 vehicles abandoned annually in the City and County of San Francisco. He said 90% are never reclaimed by the owner. He said the problems are that the Department does not have the ability to properly impound and store the cars in an expedient manner.

Commissioner Nelder then submitted measures for the Lieutenant to undertake in an attempt to solve the problem.

RESOLUTION NO. 241-86

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF TAXICAB PERMIT, ORANGE CAB #100 HELD BY MR. JOSEPH GALLI

WHEREAS, Mr. Joseph Galli was granted Taxicab Permit, Orange Cab #100 pursuant to Proposition K of June 6, 1978 to operate a taxicab; and

WHEREAS, the Permit Section recommended revocation of this permit citing violations of either Section 1080 of the Police Code of Section 4a of Propsition K; and

WHEREAS, Mr. Joseph Galli's insurance policy coverage did not meet the requirements of Section 1080.1 of The Police Code; and

WHEREAS, it was the recommendation of the Chief of Police, based on the above information, that Orange Taxicab Permit #100 held by Mr. Joseph Galli be revoked; and

WHEREAS, subsequently Mr. Joseph Galli complied with requirements of SEction 1080.1 of The Police Code; and

WHEREAS, based on this representation, Chief of Police Frank M. Jordan withdrew his recommendation for revocation; therefore be it

RESOLVED, that the Chief's recommendation for revocation of Mr. Joseph Galli's Taxicab Permit, Orange Cab #100, be, and the same is hereby withdrawn at the request of the Chief of Police.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 198-86

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J117 HELD BY MR. EARL W. WHEELER

WHEREAS, Mr. Earl W. Wheeler was granted a Jitney Bus Permit #J117 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Earl W. Wheeler was granted a 90-day suspension on August 24, 1985 and ended on November 21, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Earl W. Wheeler; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, after being duly notified to appear, Mr. Wheeler failed to respond; therefore be it

RESOLVED, that it is the order of the Police Commission, based on the findings of the facts by the Chief of Police, that the Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license/permit authorizing Earl W. Wheeler to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 242-86

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY PERMIT #25 BY MR. ARMANDO PEREZ

WHEREAS, Mr. Armando Perez was granted a Jitney Bus Permit #25 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Armando Perez was granted a 90-day suspension on June 14, 1985 and ended on September 11, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Armando Perez; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on November 14, November 21, December 12, 1985 and February 6, 1986; and

WHEREAS, a representative on behalf of Mr. Armando Perez appeared and offered mitigating circumstances as to the possible violations; therefore be it

RESOLVED, that the Chief's recommendation of revocation of Mr. Armando Perez' Jitney Bus Permit #25 is hereby withdrawn at the request of the Chief of Police, and he is hereby given an officeial reprimand by the Police Commission.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 200-86

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, MISSION STATION

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Johnnie Flannigan, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Whitmore, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Johnnie Flannigan be set for April 10, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Johnnie Flannigan, is set for Thursday, April 10, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

HEARING OF POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION

The hearing of Police Officer George A. Lozano, Northern Station, was called it having been set for this date.

Police Officer George A. Lozano appeared in person and was represented by Mr. Dave Clisham, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Inspector Carl C. Klotz, Homicide Detain
Mr. John Dwyer, Assistant District Attorney,
850 Bryant Street, San Francisco, CA

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 — Intra-Dept. Memo to Deputy Chief Joseph Lordan from Inspector Frank Falzon and Inspector Carl Klotz RE: Exemplary Police Work by Officers Police Work by Officers of Northern Station, dated 01/04/85.

Exhibit #2 — Reporter's Transcript of Proceedings, June 10, 11, 12 and July 10, 1985 in the People of the State of California, Plaintiff, vs. Steven L. Mednick

Exhibit #3 — Daily Assignment Report, Northern Station, dated Tuesday, June 4, 1985

Exhibit #4 — Daily Assignment Report, Northern Station, dated June 10, 1985

Exhibit #5 — Daily Assignment Report, Northern Station, dated June 11, 1985

Exhibit #6 — Daily Assignment Report, Northern Station, dated June 12, 1985

The following named witness appeared for the Defense, was sworn and testified:

Officer George A. Lozano, Company E

After listening to testimony from the above parties, the matter was continued to Thursday, February 13, 1986 at 1630 hours in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

Recess taken during the hearing of Officer George A. Lozano:

9:20 p.m. to 9:27 p.m.

(The entire proceedings were taken in shorthand form by ms. Linda Pransky, CSR.)

THE MEETING WAS, THEREAFTER, ADJOURNED AT 11:00 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

= Minutes

FEBRUARY 13 1986 REGLAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 13, 1986, at 1630 hours in a Regular Meeting.

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PRESENT: Commissioners Owens, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Davis

HEARING OF POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION (CONTINUED FROM MEETING OF FEBRUARY 6, 1986

The hearing of Police Officer George A. Lozano, Northern Station, was called it having been set for this date. Officer Lozano was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to appear in court in response to a subpoena and failure to report for duty as required by assignment (violation of Rule I,A of General Order N-3 and Rule A-4 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the Department and which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer George A. Lozano appeared in person and was represented by Mr. Dave Clisham, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Recall of Officer George Lozano,	Company E
Officer Warren Omholt,	Company E
Sergeant Quinn Jones,	Company D
Sergeant Daniel O'Leary,	Management Control Div.

The following exhibit was entered into evidence by the Prosecution:

Exhibit #7 Northern Station Complaint: 3E4A, Grid: G7 dated 06/11/85

Closing statements were made by both Prosecuting and Defense attorneys.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief that Officer George A. Lozano be suspended for ten days.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 225-86

DECISION - HEARING OF OFFICER GEORGE A. LOZANO, NORTHERN STATION

WHEREAS, on October 18, 1985, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer George A. Lozano as follows:

CHARGE NO. 1

Failure to appear in court in response to a subpoena and failure to report for duty as required by assignment (violation of Rule I,A of General Order N-3 and Rule A-4 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, George A. Lozano, Star No. 2184, (hereinafter, "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Metropolitan Division, Northern District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On June 4, 1985, the accused was subpoenaed to appear in Department 22 of the Superior Court in San Francisco to testify in a homicide trial but did not appear as ordered. The matter was continued and he was subpoenaed to appear on June 11, 1985. He did not appear in court at 0930 hours as ordered and called the inspector handling the matter at 1430 hours to apologize for not appearing, stating that something had come up.

(4) On June 10, 1985, the accused was subpoenaed to appear in Department 22 of the Superior Court in San Francisco at 0930 hours to testify in connection with a burglary trial. He did not appear at the appointed time; however, he did present himself to the Assistant District Attorney who subpoenaed him shortly before the noon recess. The accused was called to the witness stand in the late afternoon but did not testify because the court recessed for the day. The accused was ordered by the Judge presiding to return the next morning (June 11) to be the first witness. The accused did not appear as ordered to testify on June 11, 1985.

(5) The accused, by failing to appear in court as ordered on June 4, 10 and 11, 1985 and failure to appear on June 11, 1985, as ordered by the court has engaged in conduct which constitutes violation of Rule A, I of General Order N-3, which states:

"Members receiving subpoenas or notices to appear in court from competent authority are required to appear as directed in those documents."

said conduct also constitutes a violation of Rule A-4 of General Order D-1 of the San Francisco Police Department, which states:

> "Members shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the Department and which brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(6) Paragraphs 1 through 4, inclusive, from Charge No. 1 are realleged and incorporated herein by reference as though set forth in full:

(7) The accused was ordered to respond to the Homicide Detail at 0930 hours on June 12 1985, with regard to his failure to appear in court on June 4 and 11, 1985. When the accused did appear at the Homicide Detail on June 12, 1985, he was uniform, reeked of alcohol and appeared to be intoxicated.

(8) On June 12, 1985, the accused left the Homicide Detail and proceeded to Department 22 of the Superior Court, and there in a loud and boisterous manner demanded of the Assistant District Attorney assigned there, to be placed on the witness stand. Because of the unruly manner of the accused and obvious effects of the ingestion of alcohol, the Assistant District Attorney in Department 22 had the accused ushered out a back door so that the jury would not be prejudiced by his appearance and conduct;

(9) The accused by responding to the Homicide Detail in uniform, apparently under the influence of alcohol and by his disruptive and boisterous behavior in Department 22 on June 12, 1985, has engaged in conduct which subverts the good order, efficiency and discipline of the Department and which reflects discredit on the Department in violation of Rule A-9 of General Order D-1, which states:

> "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said Charges was held before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 6, 1986 and Thursday, February 13, 1986, and on Thursday, February 13, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Charge No. 1, violation of Rule I-A of General Order N-3 and Rule A-4 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Officer George A. Lozano, are sustained; and allegations contained in Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police are not sustained; therefore be it

RESOLVED, that based on these findings consistent with The Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Charge No. 1 [penalty] Ten (10) days suspension.
Charge No. 2 Not sustained.

and be it further

RESOLVED, that said suspension totaling ten (10) calendar days is to commence Friday, February 28, 1986 at 0001 hours and end on Sunday, March 9, 1986 at 2400 hours.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recesses taken during the hearing of Officer Lozano:

5:20 p.m. to 5:35 p.m.
5:40 p.m. to 6:00 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

APPROVAL OF MINUTES OF MEETING OF JANUARY 16, 1986

Approval of Minutes of the Meeting of January 16, 1986. The Commissioners having received, approved and returned copies of same.

A Roll call was conducted at this time and all Commissioners were present.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against The City and County of San Francisco:

RESOLUTION 228-86

CHARLES MORA vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles M. Mora in the sum of $1,000.00 entitled "Charles M. Mora vs. City and County of San Francisco, et al" in Superior Court No. 795-420 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 19, 1982

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 227-86

GUMP'S

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gump's in the sum of $1,008.07 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: O/A June 22, 1985 - Oct. 1, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 229-86

MIRIAM ZUIDUELD-SASS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miriam Zuidueld-Sass in the sum of $346.54 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 20, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 230-86

JACK POTTORFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack Pottorff in the sum of $209.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 14, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 231-86

ORLIN KENT WOODHOUSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Orlin Kent Woodhouse in the sum of $205.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 14, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 232-86

CLYDE FRANKLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clyde Franklin in the sum of $200.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 2, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF TRAVELING EXPENSE VOUCHERS IN THE AMOUNT OF $125.00 EACH SUBMITTED BY SERGEANT TIMOTHY FOLEY AND OFFICER PATRICK BURKE FOR EXPENSES INCURRED IN ATTENDING THE GANG SEMINAR IN BURLINGAME, CALIFORNIA FROM DECEMBER 4th TO DECEMBER 6, 1985.

RESOLUTION NO. 234-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Sergeant Arthur Gerrans (FBI National Academy
(Quantico, Virginia
(09/29/85 - 12/13/85
($800.00

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF TRAVELING EXPENSE VOUCHERS IN THE AMOUNT OF $125.00 EACH SUBMITTED BY SERGEANT TIMOTHY FOLEY AND OFFICER PATRICK BURKE FOR EXPENSES INCURRED IN ATTENDING THE GANG SEMINAR IN BURLINGAME, CALIFORNIA FROM DECEMBER 4th TO DECEMBER 6, 1985

RESOLUTION NO. 235-86

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be and the same are hereby approved.

Sergeant Timothy Foley (Gang Seminar
Officer Patrick Burke (Burlingame, California
(12/04/85 - 12/06/85
($125.00 each

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF TRAVELING EXPENSE VOUCHER IN THE AMOUNT OF $331.00 SUBMITTED BY LIEUTENANT THOMAS P. DONOHOE FOR EXPENSES INCURRED IN ATTENDING SUPERVISING THE POLICE TRAFFIC CONTROL FUNCTION IN SANTA ROSA, CALIFORNIA

RESOLUTION NO. 236-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Lt. Thomas P. Donohoe (Supervising the Police Traffic Control Function
(Santa Rosa, California
(11/18/85 - 11/22/85
($331.00

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

AUTHORIZATION OF 30 PROSPECTIVE SERGEANTS FROM VARIOUS UNITS WITHIN THE DEPT. TO ATTEND THE SUPERVISORY TRAINING COURSE AT SANTA CRUZ, CA FROM FEB. 24 TO MARCH 7, 1986

RESOLUTION NO. 233-86

RESOLVED, that the recommendation of the Chief of Police that thirty (3) prospective sergeants from various units within the Department, be authorized to attend the Supervisory Training Course, conducted by the Department in conjunction with San Francisco City College at Santa Cruz, California from February 24 to March 7, 1986, is hereby approved; and be it further

RESOLVED, that expenses not to exceed $25,500.00 for travel, subsistence and outside instructors will be defrayed by the Department Training Fund. P.O.S.T. will reimburse the Department 70% of the members' salary.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

A. Setting of Date for Re-Hearing The Petition of Veterans Taxicab Company Inc. vs. Speck Cab Company

Mr. Greg for representing the City Attorney's Office appeared and advised the Commission as to what the status of the matter is and what should be done to bring it to an appropriate conclusion. He said the Commission should set a date to hear it, establish on the record what the facts are and then take the appropriate action.

Mr. Francis Scarpulla said he was appearing behalf of Speck Cab Company and Mr. Wayne Canterbury who represents Veterans and that on this hearing they have a reason to join together rather than to oppose each other. He said his recollection was as to whether there has been a transfer of assets, which was prohibited, perhaps by Proposition K, had already been decided. He said, he would assume that when the transcipts are received from the prior hearings, whatever those may show would indeed clear up that point that is necessary to be cleared up at that time.

Mr. Richard Lygutis then introduced himself as the attorney for a recently formed group known as the Permit Applicants Protective Association Inc. He said they have about 12 of the first 25 applicants who are on the current Cab Permit list present today. He said they would go along with the City Attorney's Office as to what date to hear the matter and resolve some of the issues his group now has.

Commissioner Nelder moved for the Commission to set April 10, 1986, as a tentative date to hear the matter.

Commissioner Giraudo seconded and it was unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he just wanted to bring to the Commission's attention that he had attended The Rules and Legislation Committee of the Board of Supervisors today regarding the proposed Charter Amendment giving the Chief more authority as to suspension power and to be able to recommend reducing the rank of an Officer facing charges before the Commission. He said it received approval from that committee to go before the full Board. He then said he would like for Lieutenant John Newlin of the Traffic Division to give the Commission an update on the issue of abandoned vehicles.

Lieutenant Newlin said they are pursuing avenues, at the request of Commissioner Alfred Nelder, to study the feasibility of making the abandonment of a car a misdemeanor and the responsibility against the last known registered owner. He said they would create a system where The Department would be able to go after the guilty parties. He said also on top of that The Department has entered into an agreement with the City Purchaser along with an individual Tow Company wo will commence today removing abandoned vehicles from the streets of San Francisco to an East Palo Alto location.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE JITNEY BUS PERMIT #J98 HELD BY JESUS LOPEZ

This matter was continued until next week.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE JITNEY BUS #J98 HELD BY BENJAMIN L. PEREZ, JR.

Commissioner David Sanchez then announced that The Commission, at this time (6:30 P.M.) had scheduled a closed session meeting on Attorney-Client matters will now recess and will resume its regular meeting upon conclusion of the Closed Session meeting.

FEBRUARY 13, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 13, 1986, at 1830 hours in a Special Meeting in Closed Session.

Upon conclusion of the Closed Session meeting The Commission reconvened at 7:00 P.M. and Commissioner Sanchez announced that no vote had been taken.

HEARING OF POLICE OFFICER WILLIAM F. JOHNSTON, CENTRAL STATION

The hearing of Police Officer William F. Johnston, Central Station, was called it having been set for this date. Officer William F. Johnston, was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

AMENDED CHARGES

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 4

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, and amended charges by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Officer William F. Johnston appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Jerry Akins for the Prosecution.

An opening statement was made by Attorney John Prentice for the Defense. Attorney Prentice made a plea of guilty to the charges on behalf of Officer William Johnston.

Commissioner Nelder made a motion to accept the plea of Officer Johnston and the motion was unanimously accepted by the Commission.

The following named witness was called by the Commission, was sworn and testified:

Officer William F. Johnston, Company A

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer William F. Johnston be suspended for 90 days, to be held in abeyance, and enroll in the Alternative to Punishment Program as prescribed in Department General Order D-4, and be placed on two years probation. If any violation occurs during this period, the 90 days suspension will be imposed.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 226-86

DECISION - HEARING OF POLICE OFFICER WILLIAM F. JOHNSTON, CENTRAL STATION

WHEREAS, on January 14, 1986, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer William F. Johnston as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, William F. Johnston, Star Number 1388 (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to the Metropolitan Division, Central District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On December 10, 1985, at or about 0209 hours, the accused was off duty operating an automobile in a southbound direction on Old Redwood Highway near its intersection with Phillips Lane in County of Sonoma, State of California;

(4) At said time and place, the accused was driving an automobile at a high rate of speed, at which time a Sonoma County Deputy Sheriff gave chase, but was unable to catch up to the accused who was traveling in excess of 100 miles per hour;

(5) As the accused drove southbound on Old Redwood Highway, the stop light at the intersection with North McDowell Boulevard turned red, the accused continued through the intersection, against the light, at 100 plus miles per hour, nearly colliding with an automobile which attempted to turn on to Old Redwood Highway:

(6) The Sonoma County Deputy Sheriff had by that time activated his emergency lights and siren in an attempt to stop the accused:

(7) The accused continued to drive southbound on Old Redwood Highway, then slowed, turned off the highway, drove through a Shell gas station, through a planter and some shrubbery to a Denny's Restaurant, where he stopped.;

(8) The accused appeared to be intoxicated, an officer from the California Highway Patrol responded, gave the accused a field sobriety test which he failed and then arrested him for violation of Vehicle Code Section 23152(a);

(9) By becoming intoxicated and driving an automobile at a high rate of speed in violation of Vehicle Code Section 23152(a) and failing to stop promptly when a peace officer activated emergency lights and siren, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

(10) Realleged and incorporates herein by reference as though set forth in full, paragraphs 1 through 4, inclusive, from Charge No. 1, above;

(11) In connection with the matters referred to above, the accused submitted to a blood alcohol test which was administered by a member of the California Highway Patrol, the test showed that the accused's blood contained .20% alcohol by weight;

(12) California Vehicle Code Sec. 23152(b) makes it a criminal offense to drive a motor vehicle on a public highway with a blood alcohol content of .10% by weight:

(13) By driving an automobile on the highways with the alcohol content of his blood at .20%, a violation of Vehicle Code Section 23152(b), the accused has engaged in conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

WHEREAS, on February 13, 1986, Frank M. Jordan, Chief of Police, made and served amended charges against Police Officer William F. Johnston as follows:

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(14) Realleged and incorporates herein by reference as though set forth in full, paragraphs 1 and, inclusive from Charge No. 1, above;

(15) On February 3, 1986, at or about 0200 hours, the accused was off duty operating an automobile in a westbound direction on old Redwood Highway near its intersection with North McDowell in County of Sonoma, State of California;

(16) At said time and place, the accused drove his automobile into the intersection and made a sudden sharp turn so that his automobile was traveling northbound on North McDowell in the southbound lane;

(17) The Petaluma Police Department officer who had observed this maneuver described in (16) was southbound on North McDowell and was forced to brake hard and turn sharply to the right to avoid a collision;

(18) The accused continued to drive northbound on North McDowell at a slow speed, missing the police car by 2-3 feet, the Petaluma Police Officer turned his car around, activated his emergency lights and the accused pulled his automobile to the right and stopped;

(19) The accused appeared to be intoxicated, the officer who stopped the accused gave the accused a field sobriety test which he failed and then arrested him for violation of Vehicle Code Section 23152(a);

(20) By becoming intoxicated and driving an automobile in a reckless manner and apparently in violation of Vehicle Code Section 23152(a), the accused has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 4

Failure to prevent crime while off duty (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

(21) Realleged and incorporates herein by reference as though set forth in full, paragraphs 1 and 2, inclusive from Charge No. 1, and paragraphs 15 through 19, inclusive, from Charge No. 3, above;

(22) In connection with the matters referred to above, the accused submitted to a blood alcohol test which was administered by the member of the Petaluma Police Department who had stopped the accused, the test showed that the accused's blood contained .19% alcohol by weight;

(23) California Vehicle Code Section 23152(b) makes it a criminal offense to drive a motor vehicle on a public highway with a blood alcohol content of .10% by weight;

(24) By driving an automobile on the highways with the alcohol content of his blood at .19%, which would constitute a violation of Vehicle Code Section 23152(b), (prohibits the operation of a motor vehicle on the public highways with more than 0.10% blood alcohol by weight) the accused has engaged in conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

and

WHEREAS, a hearing on said Charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 13, 1986, and on Thursday, February 13, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Charge No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, Charge No. 2, violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, Charge No. 3, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Charge No. 4, violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Officer William F. Johnston, are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Charge No. 1 [penalty] Termination - To be held in abeyance two years; if any violation occurs during this period, termination will be imposed. He is to report to the Chief monthly on his progress.

Charge No. 2 [penalty] 15 calendar days suspension
Charge No. 3 [penalty] 15 calendar days suspension
Charge No. 4 [penalty] 15 calendar days suspension

and be it further

RESOLVED, that said suspension totaling forty five (45) calendar days is to be imposed commencing Monday, February 24, 1986 at 0001 hours and ending Wednesday, April 9, 1986 at 2400 hours. He is to be placed on two years probation and report to the Chief of Police monthly on his progress during that period and, if any violation relating to the charges occur, termination shall be imposed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Recesses taken during the hearing of Officer Johnston:

7:51 p.m to 7:56 p.m.
8:13 p.m. to 8:45 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEREFORE ADJOURNED AT 9:30 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

SF
P45
#2
2/20/86

Minutes

FEBRUARY 20, 1986 SPECIAL MEETING

The Police Commission of The City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 20, 1986, at 1700 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Davis, Owens, Giraudo, Nelder, Sanchez

Commissioner Sanchez presiding.

1. Attorney-Client Conference

DOCUMENTS DEPT.

AUG 1 1986

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FEBRUARY 20, 1986 REGULAR MEETING

The Police Commission of The City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 20, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioner Davis, Owens, Giraudo, Nelder Sanchez

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDER

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 246-86

PHILLIP SKEEN AND JUDY DELPHIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phillip Skeen and Judy Delphia in the sum of $1,500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 7, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 247-86

LIEW CHOW SAECHAO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Liew Chow Saechao in the sum of $982.95 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 26, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 248-86

PATRICK CUMMINGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Cummings in the sum of $900.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 249-86

CARLOS NIEVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos Nieva in the sum of $1,100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 14, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 250-86

VANESSA McCLAIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vanessa McClain in the sum of $877.97 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 8, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 251-86

ROBERT J. RAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Ray in the sum of $743.61 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 252-86

STATE FARM INSURANCE (KENNETH LONG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Kenneth Long) in the sum of $685.51 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 19, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 253-86

PARIS R. HAYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paris R. Hayes in the sum of $336.42 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 6, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 254-86

LINDA RICHARDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Richardson in the sum of $218.64 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 2, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLUTION NO. 255-86

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Lieutenant Robert J. Berry (Achieving Excellence in Law Enforcement

(Tiburon, California
(01/22/86 - 01/23/86
($1,061.94 ($138.06 refund)

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

POLICE COMMISSION REPORT

Commissioner David Sanchez said he had just a couple of matters to comment on. First of all, he said, The Police Commission met in Closed Session this afternoon on Attorney-Client Litigation and no vote was taken. Secondly, he said, there has been many concerns voiced throughout the City and the nation pertaining to the U.S. Fiscal 1986/87 Budget as presented by President Reagan containing significant cuts in a number of the City's services and programs. He said these cuts for next year would roughly eliminate $20,000,000 from the Muni Transit Funds, 9 Million from the Muni operating grants and others which would effect the San Francisco Police and Muni Police Services. He said at this time he would ask The Commission to endorse the concept and that they (The Commission as a body) be directed to write to the President pertaining to his budget and ask for him to set up a Bi-Partisan solution regarding the U.S. Deficit Budget but not to proceed accordingly.

He said also he would request that they write to the members of Congress and ask them to vote against the proposed budget which will dismantle many critical services for San Franciscans especially in reference to Police, Fire, Hospital Services and many other key areas affecting the citizens of San Francisco.

Commissioner Nelder then moved approval of this action and Commissioner Giraudo seconded. It was then unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said that it was mentioned at The Commission's previous meeting that about once a month The Department would have a unit of the Police Department come in and give The Commission some back ground on some of the different inner-workings of the SFPD. He said he felt that the time was right tonight, and he has present, some members of the Explosive Ordinance Division in light of some of the problems seen recently in Los Angeles where two Officers of that Police Department's Ordinance Division was killed in the line of duty. He then introduced Officers Jeremiah Morgan and Reno Rapagnani. The Officers then gave The Commissioners an overview of their duties, training and responsibilities.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $2,810,000 TO PURCHASE A SITE FOR NORTHERN STATION

RESOLUTION NO. 239-86

RESOLVED, that the Police Commission hereby approves a supplemental appropriation request amounting to $2,810,000. The requested funds will be used to purchase 1125 Fillmore, Block 755, Lot 13, for use as Northern Police Station, and for related escrow fees and the relocation of current tenants.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

AUTHORIZING ACCEPTANCE OF A GIFT IN THE AMOUNT OF $250 EACH FROM KRON-TV TO HOUSING POLICE OFFICERS MARK PAPPAS, ARTHUR HERNANDEZ AND MICHAEL PHELAN FOR THE APPREHENSION OF RICHARD RYAN FOR CRIMES COMMITTED AGAINST KRON-TV

RESOLUTION NO. 256-86

RESOLVED, that The Police Commission of the City and County of San Francisco hereby authorizes the acceptance of a gift in the amount of $250.00 each from KRON-TV to Housing Police Officers Mark Pappas, Arthur Hernandez and Michael Phelan for the apprehension of Richard Ryan on December 8, 1985, for crimes committed against KRON-TV.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J68 HELD BY MR. JESUS LOPEZ

RESOLUTION NO. 237-86

WHEREAS, Mr. Jesus Lopez was granted a Jitney Bus Permit #J68 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street route; and

WHEREAS, Mr. Jesus Lopez failed to operate regularly and daily and presented insurance in the amount of $750,000, and Section 16500.5, California Vehicle Code, requires $1,500.00 insurance coverage, and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates the Police Commission to revoke the permit; and he failed to file and maintain evidence of adequate insurance in violation of Section 16500.5, CVC; and

WHEREAS, Mr. Jesus Lopez, having been given notice by the Permit Section that his appearance was mandatory to reply to this complaint did not respond, and he failed to appear at the Police Commission hearings on February 13, 1986 and February 20, 1986; therefore be it

RESOLVED, that it is the order of the Police Commission, based on the findings of the facts by the Chief of Police, that the Police Commission hereby directs the Permit Section to revoke the license/permit authorizing Jesus Lopez to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE REVOCATION OF JITNEY BUS PERMIT #J98 HELD BY MR. BENJAMIN L. PEREZ, JR.

RESOLUTION NO. 238-86

WHEREAS, Mr. Benjamin L. Perez, Jr. was granted a Jitney Bus Permit #J98 pursuant to Proposition K of June 6, 1978 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. Benjamin L. Perez, Jr. was granted a 90-day suspension on September 12, 1985 and ended on December 12, 1985, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. Benjamin L. Perez, Jr.; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates The Police Commission to revoke the permit; and

WHEREAS, this matter came on for hearing before The Police Commission of the City and County of San Francisco on February 13, 1986 and February 20, 1986; and

WHEREAS, Mr. Perez did not respond to notice by the Permit Section to appear and failed to appear at The Police Commission hearings; therefore be it

RESOLVED, that it is the order of the Police Commission, based on the findings of the facts by the Chief of Police, that the Police Commission hereby directs the Permit Section to revoke the license/permit authorizing Benjamin L. Perez, Jr. to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

STATUS REPORT ON POLICE OFFICER DENNIS M. COSTANZO, INGLESIDE STATION

RESOLUTION NO. 243-86

WHEREAS, the status report of Police Officer Dennis M. Costanzo, Ingleside Station, was called it having been set for this date; and

WHEREAS, Police Officer Dennis M. Costanzo appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, an opening statement was made by Mr. Jerry Akins for the Prosecution; and

WHEREAS, an opening statement was made by Mr. Casimir Wilson for the Defense; and

WHEREAS, on December 5, 1985, the Police Commission, in Resolution No. 1259-85, issued the following penalty to Police Officer Dennis M. Costanzo:

Charge No. 1 [penalty] Sixty (60) days suspension

Charge No. 2 and enroll in the

Charge No. 3 Alternative to Punishment Program as prescribed in Department General Order D-4. He is to report to The Police Commission on January 9, 1986 regarding his progress; a decision will be made to rescind or continue the last 30 days of his suspension.

WHEREAS, he was ordered to return before the Police Commission for a status report on January 30 and February 20, 1986, and

WHEREAS, Chief of Police Frank M. Jordan, after listening to statements of Prosecuting Attorney, Mr. Jerry Akins, and Defense Attorney, Mr. Casimir Wilson, recommended that the remaining 30 days suspension of Police Officer Dennis M. Costanzo be imposed; therefore be it

RESOLVED, that the Commission accepts the recommendation of the Chief and orders that the remaining thirty (30) days of the suspension of Officer Dennis M. Costanzo, Ingleside Station, be imposed commencing on Friday, February 21, 1986 at 0001 hours and ending on Saturday, March 22, 1986 at 2400 hours.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Recess taken during the hearing of Officer Costanzo:

6:52 p.m. to 7:00 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WARD L. HOLMES, INVESTIGATIONS BUREAU, BURGLARY SECTION

The hearing of Police Inspector Ward L. Holmes, Investigations Bureau, Burglary Section, was called it having been set for this date. Inspector Ward L. Holmes was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Drinking intoxicating liquor while on duty (violation of Rule B-1 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey a lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Inspector Ward L. Holmes appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Michael Gash for the Prosecution.

An opening statement was made by Attorney Stephen Whitmore for the Defense. Attorney Whitmore made a plea of guilty to Specification No. 1 and not guilty to Specification No. 2 on behalf of Inspector Ward L. Holmes.

The Commission accepted the plea of Inspector Holmes.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Commander Isiah Nelson, Field Operations Bureau
Captain Diarmuid Philpott, Company H

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Intra-Dept. Memo by Inspector Holmes dated 11/20/85, subject: Use of Alcohol

Exhibit #2 Intra-Dept. Memo by Lt. I. Nelson dated 11/20/85, subject: On Duty Consumption of Alcohol by Inspector Ward L. Holmes, Star 1047, and Refusal to Obey Lawful Order of Superior Officer

Exhibit #3 Intra-Dept. Memo by Capt. Philpott dated 11/21/85, subject: Violations by Inspector Ward L. Holmes, #1047 of General Orders D4, Section 111A, and D1, Section A11.

The following named witness was called by the Defense, was sworn and testified:

Inspector Ward L. Holmes, Burglary Section

The following exhibit was entered into evidence by the Defense:

Exhibit A Letter from Lisa Friedman, Ph.D. to Attorney S. Whitmore Re Ward Holmes dated 02/13/86

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 and Specification No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1, Inspector Ward L. Holmes be suspended for a total of 90 days, 30 days to be imposed and 60 days to be held in abeyance, and enroll in the Alternative to Punishment Program as prescribed in Department General Order D-4. For Specification No. 2, he is to be suspended for 15 days.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 244-86

DECISION - HEARING OF POLICE INSPECTOR WARD L. HOLMES, INVESTIGATIONS BUREAU, BURGLARY SECTION

WHEREAS, on December 31, 1986, Cornelius P. Murphy, Chief of Police, made and served charges against Inspector Ward L. Holmes as follows:

SPECIFICATION NO. 1

Drinking intoxicating liquor while on duty (violation of Rule B-1 of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Ward L. Holmes, Star No. 1047, was and is a police inspector employed by the San Francisco Police Department. Inspector Holmes is assigned to the Investigations Bureau - Burglary Section;

(b) As a police officer, Inspector Holmes (hereinafter referred to as the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(c) At all times herein mentioned, the accused was on duty and assigned to the Investigations Bureau - Burglary Section;

(d) On or about November 20, 1985, at approximately 1400 hours, the accused while on duty went to his residence and consumed an intoxicating liquor;

(e) The accused, by drinking an intoxicating liquor while on duty, has engaged in conduct which constitutes a violation of Rule B-1 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall not, while on duty or while in uniform, drink intoxicating liquor, except where especially authorized by a superior for a valid police purpose."

SPECIFICATION NO. 2

Failure to obey a lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

(a) The allegations contained in paragraphs (a) through (e) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(b) On or about November 20, 1985, at approximately 1640 hours, Lieutenant Isiah Nelson, Star No. 869, while talking with the accused noticed a strong odor of alcohol emanating from the accused;

(c) The accused admitted to Lieutenant Nelson that he had consumed only two glasses of wine during lunch. Lt. Nelson then requested the accused to accompany him to the Traffic Division and submit to a breathalizer test. The accused refused;

(d) Lieutenant Nelson then ordered the accused to submit to a breathalizer test. The accused again refused;

(e) By failing to obey the lawful order of a superior, the accused has engaged in conduct which constitutes a violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 20, 1986, and on Thursday, February 20, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule B-1 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Inspector Ward L. Holmes, are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [penalty] 90 calendar days suspension, 30 days to be imposed and 60 days to be held in abeyance for two years provided he join the San Francisco Police Department General Order D-4 Program.

Specification No. 2 [penalty] 30 calendar days suspension to be consecutively and be it further

RESOLVED, that said suspension totaling sixty (60) calendar days is to be imposed commencing Friday, February 21, 1986 at 0001 hours and ending Monday, April 21, 1986 at 2400 hours. The sixty (60) calendar days suspension on Specification No. 1 is to be held in abeyance for two years, on the condition that Inspector Holmes join the San Francisco Police Department General Order D-4 Program. If any violation relating to the charges occur during this period, the additional sixty days shall be imposed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

Recesses taken during the hearing of Inspector Holmes:

7:49 p.m. to 7:51 p.m.
8:27 p.m. to 8:29 p.m.
8:43 p.m. to 8:56 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEREFORE ADJOURNED AT 9:03 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

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2/27/86 = Minutes

FEBRUARY 27, 1986 REGULAR MEETING

The Police Commission of The City and County of San Francisco met in their chambers, Room 551, hall of Justice, 850 Bryant Street, on Thursday, February 27, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Davis, Owens, Nelder, Sanchez
ABSENT: Commissioner Giraudo

Commissioner Sanchez presiding.

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APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 261-86

MICHAEL J. BAKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael J. Baker in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 262-86

BENITO NOYOLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benito Noyola in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 263-86

CAROL OUSHANI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Oushani in the sum of $92.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 264-86

ABC TOWING (JOHN MULLINS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (John Mullins) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 265-86

ABC TOWING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 266-86

GLENN AND SHARI SCALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Glenn and Shari Scales in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 267-86

ABC TOWING (GEORGE FERRER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (George Ferrer) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 268-86

ABC TOWING (SHREWSBERRY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Shrewsberry) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 269-86

ABC TOWING (CHESTER SMITH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Chester Smith) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 270-86

ABC TOWING (DIANE KINLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Diane Kinley) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 271-86

SHELIA DUNDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shelia Dundon in the sum of $65.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3-5, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 272-86

DAVE THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dave Thompson in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 273-86

ANDREAS KAINDL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andreas Kaindl in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 274-86

DAVID LIU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Liu in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 275-86

ABC TOWING (MATTHEW OWEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Matthew Owen) in the sum of $63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 276-86

ABC TOWING (AMY EVANS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Amy Evans) in the sum of $63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 277-86

ABC TOWING (CARRILTO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Carrilto) in the sum of $63.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 20, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 278-86

MICHAEL S. TERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael S. Terry in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 279-86

ROBERT GIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Gin in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 280-86

RALPH WEGGENMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph Weggenmann in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 281-86

DIANE J. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane J. Williams in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 282-86

MARGARITA ORTIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margarita Ortiz in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 283-86

ALBERT DeMARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert DeMartin in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1985

AYES: Commissioner Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 284-86

SISTER RAMONA LUGO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ramona Lugo (Sister of Notre Dame Namur) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 285-86

EMILE GUEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emile Guel in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 286-86

ROSALIND R. BOOTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosalind R. Booth in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 287-86

CARLOS MORAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos Moran in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 288-86

LAWRENCE E. CAIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence E. Cain in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 289-86

TONY CARRACCIC CHIC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tony Carraccic Chic in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 290-86

WILLIAM COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Cook in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 291-86

L. C. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of L. C. Johnson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 292-86

ROGER R. SCHELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger R. Schell in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 293-86

JAMES R. HAMMOND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Hammond in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 6, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 294-86

DAVID W. SILLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David W. Silla in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 295-86

ANDREW J. HOWARD, IV

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew J. Howard, IV in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 296-86

STEVEN McCALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven McCall in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 297-86

STEVE KONDOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Kondor in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 298-86

LEE BALDELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee Baldelli in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 299-86

SUSAN R. DIAMOND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan R. Diamond in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 300-86

ABC TOWING (DIANE KINLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Diane Kinley) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 301-86

JENNIFER TORRE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Torre in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 6, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 302-86

VIANNETTE M. DERGO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Viannette M. Dergo in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 303-86

ABC TOWING (CARSON FRANCO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Carson Franco) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 304-86

ABC TOWING (ABEYTA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Abeyta) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 305-86

SUZANNE MATTHEWS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Matthews in the sum of $11.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

There was no Commission Report tonight

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he just had two brief items to report and mainly two updates that the Commissioners have been following all along as it has been in high profile in the news media. He said, one, is the giving up of the 6th floor auditorium to the Sheriffs Department as the problem is here is serious jail overcrowding and the intent is to re-configure the auditorium so that they would have an additional 81 to 85 cells to hold people who are being taken off the streets. He said as a part of this the Police Department is pursuing the aspect of centralized booking where Police Officers would not bring arrested suspects to the District Stations but would take them directly to the booking county of the City Prison right here at the Hall of Justice. He said this has been on-going for the last two days on a trial basis and they are finding that it is causing some difficulties as back logs develop when Police Officers must do the warrant checks and strip searches. He said this effects response time in the field and the Department will discontinue it as so tonight.

RESOLUTION NO. 258-86

REQUEST OF MR. ABRAHAM ENDZWEIG TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT #J92 FROM JANUARY 8, 1986 TO APRIL 7, 1986

WHEREAS, Mr. Abraham Endzweig has requested that permission be granted to suspend operation of his motor vehicle for hire permit on his Jitney Bus Permit #J92 from January 8, 1986 to April 7, 1986; and

WHEREAS, Mr. Endzweig did not appear in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Abraham Endzweig for permission to suspend operation of his motor vehicle for hire permit from January 8, 1986 to April 7, 1986, be, and the same is hereby approved.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 259-86

REQUEST OF MR. MICHELE DIPILLA TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT #J30 FROM JANUARY 24, 1986 TO APRIL 24, 1986

WHEREAS, Mr. Michele Dipilla has requested that permission be granted to suspend operation of his motor vehicle for hire permit on his Jitney Bus Permit #J30 from January 24, 1986 to April 24, 1986; and

WHEREAS, Mr. Dipilla did not appear in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Michele Dipilla for permission to suspend operation of his motor vehicle for hire permit from January 24, 1986 to April 24, 1986, be, and the same is hereby approved.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING OF POLICE OFFICER NATHAN JOHNSON, RICHMOND STATION

The hearing of Police Officer Nathan Johnson, Richmond Station, was called it having been set for this date.

Police Officer Nathan Johnson appeared in person and was represented by Mr. Jack L. Burnam, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution. Attorney Gash amended Specification No. 3 to include:

Discharging a firearm without justification "or as a warning" (violation of Section C of General Order F-1 of the San Francisco Police Department).

Commissioner Nelder moved to accept the amendment and the motion was seconded by Commissioner Owens.

Attorney Gash also requested that the Police Commission take official notice of the language in General Order F-4 as revised and General Order B-1.

An opening statement was made by Mr. Jack L. Burnam for the Defense.

The following named witness appeared for the Prosecution, was sworn and testified:

Mr. Leonard Grimes

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 One 5"x7" Color Photo of Officer Nathan Johnson

Exhibit #2 One 5"x7" Color Photo of Leonard Grimes

Exhibit #3 One 5"x7" Color Photo of Leonard Grimes

Exhibit #4 One 5"x7" Color Photo of Leonard Grimes

The following exhibit was entered into evidence by the Defense:

Exhibit A One 5"x7" Color Photo of Officer Nathan Johnson

After listening to testimony from the above parties, the matter was continued to Thursday, March 6, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recess taken during the hearing of Officer Nathan Johnson:

8:35 p.m. to 8:38 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEREFORE ADJOURNED AT 9:00 P.M.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

SF
P45
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3/6/86

MARCH 6, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, March 6, 1986, at 1700 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Sanchez, Nelder, Owens, Davis Giraudo

Commissioner David Sanchez presiding.

1. Attorney-Client Conference

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MARCH 6, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, March 6, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Davis, Owens, Giraudo

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 309-86

ROBERT M. COOPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert M. Cooper in the sum of $300.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 27, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 310-86

JOHN BANGHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Bangham in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 31, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 311-86

ABC TOWING (HOYES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Hoyes) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 312-86

ROLLAND LEO HOBART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rolland Leo Hobart in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 313-86

PAUL E. BEADLESTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul E. Beadleston in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 314-86

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 315-86

LISA A. TORRES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa A. Torres in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 316-86

JEFFREY ZLATOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Zlatow in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 317-86

EDUARDO SORIANO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eduardo Soriano in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 318-86

MICHAEL ROBERTSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Robertson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 319-86

JEAN MOULDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jean Moulder in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 320-86

CHARLES MEYLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Meylan in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 321-86

GARY MASSING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Massing in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 322-86

THOMAS H. FIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas H. Field in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 323-86

ISABELLE LAPORTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Isabelle Laporte in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 324-86

DENNIS B. HAMILTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis B. Hamilton in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 325-86

TERRY D. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terry D. Johnson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 326-86

ERIK EDWIN JORDAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Erik Edwin Jordan in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 15, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 327-86

ABC TOWING (BRAY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Bray) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 307-86

AUTHORIZATION OF LT. ROBERT J. BERRY AND 49 OTHER LTS. TO ATTEND THE ACHIEVING EXCELLENCE IN LAW ENFORCEMENT SEMINAR IN TIBURON, CA FROM MARCH 27 TO MARCH 28, 1986 FOR GROUP 1 AND APRIL 14 TO APRIL 15, 1986 FOR GROUP 2

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Robert J. Berry, Training Division, and forty nine (49) other Lieutenants, from various units of the Department, be authorized to attend the Achieving Excellence in Law Enforcement Seminar, conducted by the San Francisco Police Department in Tiburon, California is hereby approved. Group one will attend March 27 to March 28, 1986 and Group two will attend April 14 to April 15, 1986; and be it further

RESOLVED, that expenses not to exceed $1,200.00 for each group to cover rental of the room and equipment and meals will be defrayed by the Department Training Fund.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION 308-86

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Officer Bruce Crayton (Latent Print Techniques
(Sacramento, California
(11/18/85 - 11/22/85
($349.00

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF JANUARY 23rd & JANUARY 30, 1986.

Approval of Minutes of the Meeting of January 23, and January 30, 1986. The Commissioners having received, approved and returned copies same.

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in Closed Session this afternoon in accordance with the Brown Act on Attorney Client matters and also a Personnel matter and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he would like to update the Commissioners on three serious articles regarding gun dealerships in the Bay Area and particular San Francisco. He said he has Lieutenant Greg Winters present to give the Commissioners some information as to where the matter currently stands.

Lieutenant Winters said the Department had received information of the number of such dealers operating within the City and County of San Francisco, and February 28, the Department commenced a survey to determine how many were in fact operating as firearms dealers. He said for those that were they were requiring them to contact the permit bureau to commence application for the local permits as required by State Law. He said the survey is still in progress and should be completed by the 14th of March. He said also, there were two members of this Department who were licensed as Federal Firearms licensees and were licensed at one time to do business within the City and County. He said both have now surrendered those licenses and quit the firearms business.

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF LIMOUSINES AND SIGHTSEEING BUSES

Commissioner Sanchez said at this point the Commission's Hearings pertaining to applications for Public Convenience and Necessity for the operation of Limousines and Sightseeing Buses is now a matter of record. He then asked if there were any applicant or person present who wishes to speak in favor of and/or in opposition to either of the Vehicle for Hire Applications.

Mr. Yossedek Desta, being the only applicant and person requesting to speak asked the Commission to postpone the hearing as his attorney was not present at this time.

Commissioner Sanchez said he would entertain a motion to continue this matter for next week and at that time anyone who wishes to speak for or against may do so and the Commission will render a decision at that time as to the Commission's findings pertaining to this matter.

Commissioner Nelder so moved, seconded by Commissioner Giraudo and unanimously approved.

RESOLUTION NO. 306-86

HEARING OF POLICE OFFICER YVONNE HARBOR, POTRERO STATION

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Yvonne Harbor, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be continued to April 10, 1986; therefore be it

RESOLVED, that the hearing of disciplinary charges filed against Police Officer Yvonne Harbor, Potrero Station, is set for Thursday, April 10, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

HEARING OF POLICE OFFICER NATHAN JOHNSON, RICHMOND STATION (CONTINUED FROM MEETING OF FEBRUARY 27, 1986)

The hearing of Police Officer Nathan Johnson, Richmond Station, was called it having been continued from the meeting of February 27, 1986; and

Police Officer Nathan Johnson appeared in person and was represented by Mr. Jack L. Burnam, Attorney at Law,

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Ms Christine Martin, 200 Randolph St., #21
Lt. John Robinson, Fiscal Division
Sgt. Glenn Pennebaker
Sgt. Alan Bernardi
Ms Juanita Smith, 200 Randolph St., #12

The following exhibits were entered into evidence by the Prosecution:

Exhibit #5 One 5"x7" Color Photo

Exhibit #6 Incident Report

After listening to testimony from the above parties, the hearing was continued to Thursday, March 13, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Recess taken during the hearing of Officer Nathan Johnson:

8:27 p.m. to 8:36 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEREAFTER ADJOURNED AT 9:15 P.M.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

SF
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#2
3/13/86

Minutes

MARCH 13, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, March 13, 1986, at 1700 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Sanchez, Nelder, Owens, Nelder,
ABSENT: Commissioner Giraudo

Commissioner David Sanchez

1. Attorney-Client Conference

MARCH 13, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, March 13, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Owens, Davis, Nelder
ABSENT: Commissioner Giraudo

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Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 6, 1986

Approval of Minutes of the Meeting of February 6, 1986. The Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Owens said she would like to thank the Chief and his staff as she had the opportunity about two weeks ago to visit The Communications Division and the Fingerprint Department. She said she was given a grand tour and a lot of information. She said she left feeling that she had some working knowledge of the operation. She continued by saying therefore, she would like to thank the Chief, Deputy Chief Macia and his staff for taking her on this tour and being quite thorough in their presentation.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said that he only had one item and that is one the Commissioner is probably aware of. He said the full Board of Supervisors passed the disciplinary request of The Police Department (Amending Charter Section 8.343) and it will now be presented to the voters of San Francisco through a June Ballot Measure giving them an opportunity to adopt or reject the measure.

RE-HEARING ON POLICE COMMISSION REVOCATION OF LIMOUSINE PERMIT #L-47 HELD BY MR. JOHN THOMAS (Continued from Meeting of January 16, 1986).

Lieutenant Greg Winters said he would request that this matter be continued one more time and the reason for that is Mr. Al Arnaud, Attorney for Mr. Thomas was delayed in Sacramento on a court hearing and secondly, recent information provided to the Permit Section would make it appear necessary for The Permit Section to submit an amended complaint to the Chief for his review and subsequent submission to the Commission regarding a potential ownership change of that permit in violation of Proposition K.

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JERRY A. NEITZ, MISSION STATION

RESOLUTION NO. 332-86

HEARING OF POLICE OFFICER JERRY A. NEITZ, MISSION STATION

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Jerry A. Neitz, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be continued to April 17, 1986; therefore be it

RESOLVED, that the hearing of disciplinary charges filed against Police Officer Jerry A. Neitz, Mission Station, is set for Thursday, April 17, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Thereafter Mr. Jerry Akins said that there is a case on Commission Calendar for next week, an Officer Richard Woo, whose case was scheduled to be heard in January but because of the health problems of his Attorney, Mr. Bill Murphy it was continued to next week. He continued by saying he had communicated with Mr. Murphy's Office yesterday and learned that Mr. Murphy is still not able to go forward with the Case. Mr. Murphy, he said, at that time asked for a one months continuance to April 24th. Mr. Akins said this was discussed with the Chief and it was suggested that if the Commission granted that continuance that they also grant it with the provision that it will definitely be heard on April 24th and if Mr. Murphy is not going to be able to proceed that Mr. Woo should obtain other council.

Commissioner Nelder said he would move approval of this request, Commissioner Owens seconded and it was unanimously approved.

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF LIMOUSINES AND SIGHTSEEING BUSES (Continued from meeting of 03/06/86)

Officer L. Suslow of the Permit Section said this matter was continued from last week.

Mr. Desta, he said, had requested an opportunity to appear with his attorney. However, the Officer said,. Mr. Desta indicated that his attorney was not present.

Mr. Desta appeared and said that he and his attorney had tried to get in touch with Mr. Jung who is the sole owner of three Rickshaw permits and Mr. Jung did not respond. Therefore he said he would now make his presentation. After presenting a brief overview he then asked that one member of the Community testify on his behalf and called upon Reverend Amos Brown, Pastor of Third Baptist Church and member of the Community College Board of Govenors. Reverend Brown said that if Mr. Desta's vehicle meets safety standards as proposed, then Mr. Desta should be given the opportunity to go into his desired business. He said it is a very well historical fact in this Community that blacks are under represented in this category. He continued by saying that as a Pastor, as a Community Servant and one who is vitally concerned about everyone receiving equitable and just involvement in the economic benefits of this community that the Commission should give Mr. Desta this license provided that it meets the Safety standards.

After further discussion, Commissioner Nelder asked Mr. Desta to outline an area in which he would be working. He said Mr. Desta has to take into consideration the kinds of streets during rush hour where a problem may be created by Mr. Desta 's slow moving vehicle.

Commissioner Nelder said he was putting that in the form of a motion and Commissioner Sanchez said this is now directed to the Chief and it is to be re-calendared for two weeks hence.

Lieutenant Winters of the Permit Section recommended on behalf of the San Francisco Police Department that there is no apparent need for licenses to be granted by the city to applicants as herein listed for Sightseeing and Limousine permits with the exception of this one applicant Mr. Yossedek Desta whose application for sightseeing bus is still being considered.

As there were no other speakers on the subject Commissioner Nelder moved that all applications, with the one mentioned exception, be denied.

Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 334-86

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF LIMOUSINES - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a limousine in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on March 6, 1986 and March 13, 1986; and

WHEREAS, Police Department staff, after survey of prevailing conditions and activities of limousine operations, testified in opposition to the granting of additional permits and evidence in support of this position was presented to the Commission; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; therefore be it

RESOLVED, that it is the decision of the Commission to deny additional limousine permits; and be it further RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

Reid, James L.
Henke, Milton Jr.
Phillips, Charles E.
Pearce, Charles W.
Anzai, Masayoshi
Fraydouni, Nasser
Webb, John E.
Filous, Nino
Biradelli, Geatano
Filous, Joe
Uziel, Eli
Streger, Ivan

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 335-86

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUSES - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a sightseeing bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on March 6, 1986 and March 13, 1986; and

WHEREAS, Police Department staff, after survey of prevailing conditions and activities of sightseeing bus operations, testified in opposition to the granting of additional permits and evidence in support of this position was presented to the Commission; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; therefore be it

RESOLVED, that it is the decision of the Commission to deny additional sightseeing bus permits; and be it further

RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

Privett, Roy L.
Clutton, Robert
Felso, Dennis P.
Gridley, Arnold S.
Eichler, Thomas E.
Collins, Thomas J.
Sharabi, Ariel A.
Buttery, Hugh C.
Calvo, Tony M.
Dalpe, Guy R.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING OF POLICE OFFICER NATHAN JOHNSON, RICHMOND STATION (CONTINUED FROM MEETING OF MARCH 6, 1986)

The hearing of Police Officer Nathan Johnson, Richmond Station, was called it having been continued from the meeting of March 6, 1986; and

Police Officer Nathan Johnson appeared in person and was represented by Mr. Jack L. Burnam, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jack Burnam for the Defense.

The following named witnesses appeared for the Defense, were sworn and testified:

Mr. Lindberg B. Miller, P.O. Box 402, Moraga, CA
Ms Earlene Taylor, 409 Head Street, #31
Mrs. Brenda Johnson, 578 - 4th St., Richmond, CA
Colonel T. Crow, Presidio of San Francisco
Officer Nathan Johnson, Richmond Station

The following exhibits were entered into evidence by the Defense:

Exhibit #B S.F.P.D. Lab Results of Examination 11/08/85, Case No. 851 177 123, CN No. 85-535

Exhibit #C Qualification letter as Forensic Scientist of Mr. Lindberg B. Miller

Exhibit #D One 5"x7" Color Photo of side of 200 Randolph

Exhibit #E One 5"x7" Color Photo of side of 200 Randolph with panel truck adjacent

Exhibit #F One 5"x7" Color Photo of Head St. intersecting with Randolph

Exhibit #G Transcript of Commission. Tape of 10/31/85, 7:56 p.m.

Exhibit #H Records of outstanding Police work done by Officer Nathan Johnson

After listening to testimony from the above parties, the hearing was continued to Thursday, March 20, 1986 at 5:30 p.m. in Room 551, Hall of Justice. The meeting was adjourned at 9:45 p.m.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recesses taken during the hearing of Officer Nathan Johnson:

8:13 p.m. to 8:18 p.m.
9:35 p.m. to 9:43 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEREAFTER ADJOURNED AT 10 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

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MARCH 20, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, March 20, 1986, at 1700 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Sanchez, Nelder, Giraudo, Davis, Owens

Commissioners Sanchez presiding.

1. Attorney-Client Conference.

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MARCH 20, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, March 20, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Giraudo, Davis, Owens

Commissioners Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 364-86

ANTHONY JONES vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Jones in the sum of $3,000.00 entitled "Anthony Jones vs. City and County of San Francisco, Francis P. Williams, Joseph Mayers, and DOES One through Five, inclusive, and each of them" in Superior Court No. 826-578 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 27, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 365-86

WON HONG LEE vs CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wong Hong Lee in the sum of $10,000.00 entitled "Won Hong Lee vs. City and County of San Francisco and Jane Hamalanien" in Superior Court No. 835-016 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 366-86

ABC TOWING (JOHNSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Johnson) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 367-86

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Richard Curtis (VS Programmer's Introduction and
Sr. Management Assistant VS Procedure Language
(San Francisco, CA
(02/03/86 - 02/21/86
($1,925.00

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 368-86

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Officer Farrell Suslow (VS Administration and
Operations (V10)
(San Francisco, California
(12/16/85 - 12/20/85
($920.00

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 13, 1986

Approval of Minutes of the Meeting of February 13, 1986 1986. The Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Sanchez said that over the years, and unless there is a backlog on the Commission's administrative calendar, the Commissione usually cancels its meeting during Holy Week unless the Chief of Police has something urgent that has to be considered.

Chief Jordan said he had nothing pressing at this time for the Commissions attention. He said the only thing was a Hearing scheduled for Police Officer Aaron Barnes but it can be re-scheduled.

Commissioner Nelder then moved that the meeting of March 27th be cancelled and the next meeting of the Police Commission be held on April 3rd.

It was seconded by Commissioner Davis and unanimously approved.

Commissioner Sanchez then advised that the Commission met in closed session, pertaining to Attorney-Client matters and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan advised The Commission that he only had one item and that is to remind the Commission of his policy where he has a member of the Department come to the Commission each week to discuss a new procedure or just to give the Commission an idea of how the Department handles different programs in the Department.

He said the next scheduled program would be the Department's Accident Board of Review at the Commission meeting of April 3, 1986. He said the Chairman of that particular Committee is Deputy Chief Willis Casey and he will be making the presentation.

RESOLUTION NO. 362-86

APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT FRANCIS P. WILLIAMS, RICHMOND STATION

WHEREAS a letter was received from Attorney Charles G. Ogulnik representing Sergeant Francis P. Williams, Richmond Station, requesting an appeal hearing before the Commission on the three-day suspension imposed on Sergeant Francis P. Williams by the Chief of Police; therefore be it

RESOLVED, that the date for the hearing on the appeal of Sergeant Francis P. Williams, Richmond Station, is set for Thursday, April 3, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF POLICE OFFICER NATHAN JOHNSON, RICHMOND STATION (CONTINUED FROM MEETING OF MARCH 13, 1986)

The hearing of Police Officer Nathan Johnson, Richmond Station, was called it having been continued from the meeting of March 13, 1986. Police Officer Nathan Johnson was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to be equipped with a police star while carrying a firearm off-duty (violation of Section VI.B of General Order B-3 of the San Francisco Police Department);

*SPECIFICATION NO. 3

Discharging a firearm without justification or as a warning (violation of Section C of General Order F-1 of the San Francisco Police Department).

*Specification No. 3 amended by addition of underscored at the meeting of February 27, 1986.

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Nathan Johnson appeared in person and was represented by Mr. Jack L. Burnam, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1, Specification No. 2 and Specification No. 3 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Nathan Johnson be terminated.

The Commission again took the matter under submission, and the following resolution was adopted:

RESOLUTION NO. 363-86

DECISION - HEARING OF POLICE OFFICER NATHAN JOHNSON, RICHMOND STATION

WHEREAS, on November 7, 1985, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Nathan Johnson as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Nathan Johnson, Star No. 251, was and is a police officer employed by the San Francisco Police Department. Officer Johnson was assigned to the Golden Gate Division - Richmond District; however, he was suspended on November 1, 1985;

(b) As a police officer, Officer Johnson (hereinafter referred to as the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(c) On or about October 31, 1985 at approximately 2000 hours, at or about the 400 block of Head Street in San Francisco, the accused while off-duty got into a verbal argument with the driver of a double parked vehicle. When the driver of the double parked vehicle refused to move his vehicle as requested by the accused, the accused went to the vehicle and attempted to drag the driver of the double parked vehicle out of the vehicle.

(d) After the driver of the double parked vehicle exited the vehicle, the accused assaulted the driver then pulled out his firearm, pointed it at the driver of the double parked vehicle and discharged one round;

(e) The accused, by first getting into a verbal argument with the driver of the doubled parked vehicle, then a physical altercation with the driver of a double parked vehicle, and finally pointing his firearm and discharging it at the driver of a double parked vehicle, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to be equipped with a police star while carrying a firearm off-duty (violation of Section VI.B of General Order B-3 of the San Francisco Police Department);

(a) The allegations contained in paragraphs (a) through (e) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(b) As a police officer, the accused has the option of carrying a firearm while off-duty, if he is also equipped with his police star and Department identification card;

(c) On October 31, 1985 at approximately 2000 hours, the accused was off-duty and carrying a firearm; however, he did not have his police star with him;

(d) The accused, by carrying a firearm while off-duty without his police star has engaged in conduct which constitutes a violation of Section VI.B of General Order B-3 of the San Francisco Police Department, which states:

"If the option to be equipped with a handgun is exercised, the officer shall be equipped with the star and the Department identification card."

*SPECIFICATION NO. 3

Discharging a firearm without justification or as a warning (violation of Section C of General Order F-1 of the San Francisco Police Department).

(a) The allegations contained in paragraphs (a) through (e) of Specification No. 1 and paragraphs (a) through (d) of Specification No. 2 are hereby incorporated by reference as if fully set forth herein;

(b) The accused on October 31, 1985 discharged his firearm at the driver of a double parked vehicle after a physical altercation. The accused did not have a justifiable reason to discharge his firearm;

*Specification No. 3 amended by addition of underscored at the meeting of February 27, 1986.

(c) That the accused discharged his firearm as a warning.

(d) The accused by discharging his handgun at the driver of a double parked vehicle without justifiable cause has engaged in conduct which constitutes a violation of Section C of General Order F-1 of the San Francisco Police Department, which states:

"Firearms shall not be discharged under the circumstances set forth below:

1. As a warning

2. At or from a moving vehicle unless the circumstances come within the provisions as set forth in Section I-B, Subsection 1, 2 and 3, of this order.

3. In misdemeanor cases, except if they come with the provisions as set forth in Section I-B, subsections 1 and 2, of this order.

4. When in doubt

5. And shall not discharge a weapon frivolously or without justifiable cause."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 27, 1986, Thursday, March 6, 1986, Thursday, March 13, 1986 and Thursday, March 20, 1986, and on Thursday, March 20, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department; Specification No. 2, violation of Section VI.B of General Order B-3 of the San Francisco Police Department; and Specification No. 3, violation of Section C of General Order F-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Officer Nathan Johnson, are sustained; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Nathan Johnson has violated Rule A-9 of General Order D-1, Section VI.B of General Order B-3, and Section C of General Order F-1 of the San Francisco Police Department, and for said violations he shall be terminated from the San Francisco Police Department; and be it further

RESOLVED, that said termination, effective immediately, be and the same is hereby affirmed and approved.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recesses taken during the hearing of Officer Nathan Johnson:

7:47 p.m. to 8:47 p.m.
8:54 p.m. to 9:18 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEREAFTER ADJOURNED AT 10:00 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

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THE MEETING OF MARCH 27, 1986 WAS CANCELLED

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
POLICE COMMISSION

SF
P45
#2
4/3/86

= Minutes

APRIL 3, 1986 SPECIAL MEETING

The Police Commission of The City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, April 3, 1986, at 1700 Hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Sanchez, Nelder, Giraudo, Davis, Owens

Commissioner Sanchez presiding.

1. Attorney-Client Conference - Pursuant to Goverment Code 54956.9 CA. in case of Edward L. Waldorph vs. City and County of San Francisco, et al Superior Court No 847-415.

APRIL 3, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, April 3, 1986, at 1730 Hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Giraudo, Davis Owens

Commissioner Sanchez presiding.

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APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 372-86

EVA CHAN vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eva Chan in the sum of $5,000.00 entitled "Evan Chan vs. Crestetto, City and County of San Francisco" in Superior Court No. 815-975 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 4, 1983

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 373-86

SHERMAN A. FORD vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that judgment made for settlement of litigation of Sherman A. Ford vs. City and County of San Francisco, et al in the total sum of $613.51 in Small Claims Court No. 448-575 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 18, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 374-86

LOUIS R. SOBRANIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louis R. Sobranis in the sum of $500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 14, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 375-86

DAVID E. SOWDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David E. Sowder in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 376-86

ANNA CANNON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna Cannon in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 377-86

JUDITH G. ATKINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith G. Atkinson in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 378-86

ABC TOWING (MICHAEL QUIROGA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Michael Quiroga) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 379-86

ABC TOWING (JOHN WILLIAMS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (John Williams) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 380-86

ABC TOWING (CASSIDY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Cassidy) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 381-86

ABC TOWING (ELIZONDA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Elizonda) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

RESOLUTION NO. 382-86

ABC TOWING (THOMAS L. REYNOLDS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Thomas L. Reynolds) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 383-86

ABC TOWING (ALEXANDER NAGEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Alexander Nagel) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 384-86

JEAN A. ROGERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jean A. Rogers in the sum of $77.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 385-86

ABC TOWING (KATHERINE PORCHIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Katherine Porchia) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 386-86

CATHLIN McLAUGHLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cathlin McLaughlin in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 387-86

CONRAD TOBENER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Conrad Tobener in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 388-86

IRENE VONSTOCKHAUSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Irene VonStockhausen in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 389-86

SUSAN HAWK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Hawk in the sum of $69.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 390-86

ITA YOUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ita Young in the sum of $67.05 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 30, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 391-86

SIMEON R. ALARDE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Simeon R. Alarde in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 392-86

STEPHANIE G. McCLAIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie G. McClain in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 393-86

GRANT TORGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Grant Torger in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 394-86

ABC TOWING (CONLAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Conlan) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 395-86

ABC TOWING (TOOTHACHER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Toothacher) in the sum of $63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 396-86

LYNNE KASUBA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynne Kasuba in the sum of $60.15 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 397-86

DEBORAH LOCHOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Lochow in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 398-86

JOHN LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Lee in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 399-86

GINA A. TODARO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina A. Todaro in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 400-86

JEFFREY J. KOVALSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey J. Kovalsky in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 401-86

WILLIAM RUBENSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Rubenstein in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 402-86

ABC TOWING (V. P. LaROCCA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (V. P. LaRocca) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 403-86

SYED A. HUSAIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sued A. Husain in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 404-86

JAMES B. GUGLIELMI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James B. Guglielmi in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 405-86

STANLEY A. CORRIEA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley A. Corriea in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 406-86

TARONE BURNAUGH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tarone Burnaugh in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 407-86

ALAN ANOBA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Anoba in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 408-86

MELINDA STAHR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melinda Stahr in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 409-86

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be and the same is hereby approved.

Leslie Moser (Dispatcher's Role in Officer Survival
Communications (Berkeley, California, 2/15/86, $40.00)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF THE MINUTES OF MEETING OF FEBRUARY 20, 1986

Approval of Minutes of the Meeting of February 20, 1986. The Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission met in Closed Session under the Brown Act in an Attorney-Client Conference and no vote was taken.

STATUS REPORT OF OFFICE OF CITIZEN COMPLAINTS

Mr. Frank Schober, Director of the OCC advised the Commission that it was his feeling that the OCC's 1985 report now in the Commission's hands reflects a record of success in reducing complaints by citizens against the San Francisco Police Department Police Officers. He said this is a result of improved behavior and that improved behavior is a result of a strengthened chain of command, and especially, at the first level of operation, that of a Sergeant.

After further discussion Mr. Schober asked the Commission to give him permission to ask the City Attorney for an opinion as to a revaluation of the CAP on the OCC budget of 60% as mandated by the City Charter. He said this CAP was based upon standard accounting procedures and what was neglected and not in the initial calculation of the CAP is what is known as Indirect Cost.

Commissioner Nelder then made a motion for approval for Mr. Schober to proceed with this request to the City Attorney, it was seconded by Commissioner Owens and unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Willis Casey, who is Chairperson of the Department's Accident Board of Review, and in accordance with the Chief's Policy to provide a weekly report by different details and Bureau, gave a written and oral presentation of this program to the Commission. He said the program is a means by which the Department may look at and control automobile accidents by members of The Department. DABOR, he said, as it is commonly known, exist under the authority of General Order R-1. He said there were a total of 365 major and minor accidents over the past year by members of the Department. Most, he said, are minor and are caused by carelessness.

For example, he said, an Officer blacks out of the same parking stall everyday and then one day some one parks in back of him that isn't normally there and the Officer backs into the vehicle. He said it is just inattention and carelessness. He said the positive thing to note is the Department does not have a problem with hotrodders. He said they are now concentrating the Department's DABOR efforts on training the negligent parties.

HEARING ON APPLICATIONS FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUS BY YOSEDEK M. DESTA.

Officer Lamont Suslow said the Commission had asked the Department staff to review the documentation that Mr. Desta had supplied. He said they also asked Mr. Desta, in addition, to supply the proposed routes he would be operating on.

Officer Suslow continued by saying that it wasn't until late this date that Mr. Desta provided him with the final routes that Mr. Desta is interested in and all in all there are a total of 19. He then presented the Commission with a copy of all of said routes. Officer Suslow said the Lieutenant in charge of the Permit Section has asked that the Commission continue this matter for two weeks so that the Permit Section would have sufficient time to copy all of those routes and distribute them to the District Stations for review and comment and then return to the Commission with their opinions for further consideration on the issue.

Commissioner Giraudo then so moved, and it was unanimously approved.

RESOLUTION NO. 369-86

APPEAL OF THE CHIEF'S SUSPENSION OF SGT. FRANCIS P. WILLIAMS, RICHMOND STATION

WHEREAS, the date set for the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Charles G. Ogulnik, Attorney at Law, representing Sergeant Francis P. Williams, that the date for the hearing before the Police Commission be continued to April 10, 1986; therefore be it

RESOLVED, that the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, is set for Thursday, April 10, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 370-86

HEARING OF POLICE OFFICER AARON O. BARNES, CENTRAL STATION

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Aaron O. Barnes, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be continued to May 1, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Aaron O. Barnes, Central Station, is set for Thursday, May 1, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 371-86

STATUS REPORT ON POLICE OFFICER RAOUL PONCE, NORTHERN STATION

WHEREAS, the status report of Police Officer Raoul Ponce, Northern Station, was called it having been set for this date; and

WHEREAS, Police Officer Raoul Ponce appeared in person and was represented by Mr. Stephen F. Whitmore, Attorney at Law; and

WHEREAS, Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department; and

WHEREAS, an opening statement was made by Mr. Michael Gash for the Prosecution; and

WHEREAS, an opening statement was made by Mr. Stephen Whitmore for the Defense; and

WHEREAS, on June 20, 1985, the Police Commission, in Resolution No. 672-85, issued the following penalty to Police Officer Raoul Ponce:

> Police Officer Raoul Ponce shall be suspended for thirty (30) days which shall be held in abeyance for six months. He shall join a Weight and Stress Reduction Program, report to the Chief prior to the end of the six months probationary period, and thereafter report to the Police Commission on his status. If he is not in compliance at that time, the thirty (30) calendar day suspension, held in abeyance, will therefore be imposed.

WHEREAS, on January 9, 1986, Officer Raoul Ponce appeared before the Police Commission for a status report and the following Resolution No. 69-86 was adopted:

> "WHEREAS, it was the recommendation of the Chief of Police Cornelius P. Murphy that Officer Ponce be suspended for 30 days, to be held in abeyance provided he lose five pounds monthly. He is to reduce from 230 pounds to 193 pounds with a target date of September 10, 1986; therefore be it
>
> "RESOLVED, that the Commission accepts the recommendation of Chief of Police Cornelius P. Murphy and orders it upon Officer Ponce to report to the gymnasium on February 10, 1986 for verification of the loss of five pounds and every 30 days thereafter, until he meets the 193 pounds limit. If Officer Ponce is not in compliance in any given month, the 30-day suspension will be imposed. He is to appear before the Police Commission on September 10, 1986."

WHEREAS, it was brought to the attention of the Police Commission that Officer Ponce had failed to comply with the order of the Police Commission as written in Resolution No. 69-86; and

WHEREAS, Chief of Police Frank M. Jordan, after listening to statements of Prosecuting Attorney and Defense Attorney, recommended that the 30 days suspension held in abeyance should now be imposed because of non-compliance; therefore be it

RESOLVED, that the Commission accepts the recommendation of the Chief and orders that Officer Raoul Ponce, Northern Station, be suspended for fifteen (15) working days commencing on Saturday, April 5, 1986 at 0001 hours and ending on Wednesday, April 23, 1986 at 2400 hours. The remaining fifteen (15) working days will be held in abeyance, provided he undertakes a comprehensive medical weight reduction and exercise program. He is to report to the Chief of Police on April 24, 1986, with his weight reviewed by the Police Surgeon. If he is not in compliance at that time, the fifteen (15) additional working days suspension shall be imposed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens - Sanchez

Recess taken during the hearing of Officer Ponce:

7:53 p.m. to 7:59 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 8:00 P.M. IN MEMORY OF MICHAEL R. O'BRIEN

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

SF
P45
#2
4/10/86

APRIL 10, 1986 REGULAR MEETING

The Police Commission of The City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, April 10, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Giraudo, Davis
ABSENT: Commissioner Owens

Commissioner Sanchez presiding.

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APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 411-86

PATRICK VELEZ vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Velez in the sum of $2,500.00 entitled "PATRICK VELEZ, a Minor, by CATHERINE VELEZ, his guardian Ad Litem vs. City and County of San Francisco, The Police Department, Police Officer Kitt Edwin Crenshaw, individually and as a Police Officer and DOES I through XX, inclusive" in Superior Court No. 791-059 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 16, 1981

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 412-86

GUY CHANDLER vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Guy Chandler in the sum of $900.00 entitled "Guy Chandler vs. City and County of San Francisco, a municipal corporation, Francisco Mendez and DOES 1-10" in Superior Court No. 843-600 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 28, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 418-86

SHARON STAPP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon Stapp in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 419-86

AMY JO WALKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy Jo Walker in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 420-86

EUGENE LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene Lee in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 20, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 421-86

MARK J. YUWILER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark J. Yuwiler in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 422-86

YELLOW CAB CO-OP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 423-86

SERGIO N. ROGOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sergio N. Rogoff in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 424-86

MICHAEL RISKIEWICZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Riskiewicz in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 425-86

ALI MIREMADI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ali Miremadi in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 426-86

GORDON HO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gordon Ho in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 427-86

DIANA L. GATLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diana L. Gatlin in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 428-86

MATTHEW GALLOUPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matthew Galloupe in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 429-86

RUTH EDELSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruth Edelstein in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 430-86

SIMON DAVID AVIEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Simon David Aviel in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 431-86

RINALEO J. CARRARO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rinaldo J. Carraro in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 432-86

ABC TOWING (BENTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Benton) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 433-86

ABC TOWING (ATEYEH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ateyeh) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 434-86

ABC TOWING (KAMALI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kamali) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: O/A 07/25/85 - 02/18/86

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 435-86

ABC TOWING (TORRES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Torres) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 436-86

DALE D. PEDERSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dale D. Pedersen in the sum of $29.82 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: January 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 437-86

SHARON DEE BEWLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon Dee Bewley in the sum of $23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 438-86

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be and the same, are hereby approved.

Barbara Attard (Homicide Investigations
Sheila McEvoy (Los Gatos, California
Araceli Matus (10/21/85 - 10/25/86
Investigators, OCC ($500.00 each

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 439-86

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be and the same, are hereby approved.

Barbara Attard (Internal Affairs Investigators
Araceli Matus Up-Date Seminar
Investigators, OCC (Orange, California
(03/10/86 - 03/12/86
($609.00 each

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 410-86

MICHELLE WOOD vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michelle Wood in Superior Court No. 827-634 in the sum of $50.00 entitled "Wood vs. Storer Transportation, Inc. et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 3, 1983

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

APPROVAL OF MINUTES OF MEETING OF FEBRUARY 27, 1986

Approval of Minutes of the Meeting of February 27, 1986. The Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

There was no report tonight.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank M. Jordan said the only thing he had to report is to update The Commission regarding the shooting that occurred earlier today at the Hall of Justice on the Second Floor, Department 27 at approximately 2:00 PM. He said the incident involved a homicide case that was being tried.

He continued by saying that present in court was an individual who was the father of the murdered victim. The Chief said the man had come into the building with a small handgun, a two inch revolver, concealed in a hollowed out book, through the main entrance. He said as the case started the father pulled out the weapon and fired four shots at the subject who was on trial for the alleged murder of the father's daughter. He said the subject was struck three times, one in the head and twice in the arm. He said the subject is in serious condition but not critical at this point. He continued by saying the father suspect, who did the shooting, is under investigation and the Department is evaluating the security of the building and will attempt to fine out exactly how the suspect managed to get through and what means can be taken for improvement.

RESOLUTION NO. 413-86

SAN FRANCISCO POLICE COMMISSION POLICY REGARDING HEARINGS ON APPLICATIONS FOR DECLARATION OF PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF MOTOR VEHICLE FOR HIRE PERMITS - AMENDED

WHEREAS, the Police Commission at its meeting of May 18, 1983 adopted the "San Francisco Police Commission policy on hearings on applications for declaration of public convenience and necessity for the issuance of motor vehicle for hire permits"; and

WHEREAS, The Police Commission at its meeting of July 12, 1984 amended the policy, to decrease the frequency of public convenience and necessity hearings by providing that taxicab public convenience and necessity hearings take place the first administrative meeting of the Police Commission in November; and Jitney Bus public convenience and necessity hearings take place the first administrative meeting of the Police Commission in July; and Limousine and Sightseeing Bus public convenience and necessity hearings take place the first administrative meeting of the Police Commission in September; and

WHEREAS, the intent of the July 12, 1984 amendment was to provide that Limousine and Sightseeing Bus public convenience and necessity hearing take place the first administrative meeting of The Police Commission in March; and

WHEREAS, a clerical error occurred in the preparation and distribution of the amendment authorized at the July 12, 1984 hearing; and

WHEREAS, all applicants and interested persons have been regularly notified that Limousine and Sightseeing Bus public convenience and necessity hearings are held in March and that all public advertisements have specified that Limousine and Sightseeing Bus public convenience and necessity hearings are held in March; and

WHEREAS, The Police Commission has since the adoption of the July 12, 1984 amendment held public convenience and necessity hearings in 1985 and 1986 for Limousine and Sightseeing Bus in the month of March as originally intended; therefore be it

RESOLVED, that the "San Francisco Police Commission policy on hearings on applications for declaration of public convenience and necessity for the issuance of motor vehicle for hire permits", be amended to provide that Limousine and Sightseeing Bus public convenience and necessity hearings take place the first administrative meeting of The Police Commission in March, and the amendment is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RE-HEARING ON THE PETITION OF VETERANS TAXICAB COMPANY., INC. vs. SPECK CAB COMPANY

Mr. Gregory Fox, Deputy City Attorney, appeared and gave The Commission a Status Report on this subject. He said they have contended that over a period of time Veterans has also violated the prohibition on exchanging their stock ownership because people have died over the last several years in sufficient numbers, that their shares have passed to someone else which is prohibited. He said his office along with the Permit Section of the Department has subpoenaed Veterans records and have just received them two days ago.

He said what they would like to do is to review the returns and then comeback to the Commission in two weeks with the final recommendation and proposed findings, at which time, the Commission may then hear from both interested parties as to whether or not in fact, they have transferred assets in violation of Proposition K. If so, he said, they would lose all of their permits which would revert back to the City. He said he would prepare a preliminary report for the Commission next week and also provide the interested parties with copies of same.

Mr. Richard Laguytis, Attorney for P.A.P.A. said it is heartening to learn what the City Attorney is doing and that they felt he deserved the necessary time to go ahead and make his analysis.

Mr. Wayne Canterbury, Attorney for Veterans said while they regard this, a five year hiatus almost between the time the matter was first presented to the Commission and presently, to be quite a lapse between the hearings, they welcome the opportunity to meet with the City Attorney and the other side and will do that at the City Attorney's convenience.

Mr. Stephen Scarpulla, Attorney for Speck Cab Company which also has an interest in this said he was willing to meet with the City Attorney's Office and that he had no objection to a continuance of the hearing except that he would be out of town the first and third week in May.

All parties agreed to May 8, 1986 as the date for the hearing before the Commission and it was continued to that time on motion of Commissioner Nelder, and second by Commissioner Davis.

RESOLUTION REGARDING IMPLEMENTATION OF THE FAIR LABOR STANDARDS ACT

Mr. Rea Puccinelli, Attorney for the San Francisco Police Legal Office, said the Commission had before it a resolution concerning the Federal Fair Labor Standards Act. He said up to April 15, 1985 this act did not apply to public employment. He said since a case that recently came up entitled Garcia Vs. San Antonio Municipal Transit Authority State and Local Government Employers were sent scurrying to come up with a means to comply with the act. He said it basically deals with overtime, child labor and minimum wage issues. He said this particular case now applies Federal Law and makes it applicable to Police Departments, Fire Departments and all City Agencies. He said what the Department is asking the Police Commission to adopt tonight is a resolution which will enable the Department to meet the mandatory requirements of the Act which are a declaration of a specific work period. He said what is being asked is to set a work period for civilian employees which will begin on Saturday morning and end the following Friday night. He said also to set a work period for sworn Police Department Employees which is a 28 day work period that would give the Police Department a little more leeway when overtime is involved.

After further discussion and Commission's questions and concerns having been answered, the following resolution upon motion by Commissioner Nelder was adopted and approved.

RESOLUTION NO. 414-86

IMPLEMENTATION OF THE FAIR LABOR STANDARDS ACT

WHEREAS, the United States Supreme Court decision in Garcia v. San Antonio Municipal Transit Authority held that the Federal Fair Labor Standards Act applies to public employment, and

WHEREAS, Congress has enacted amendments to the Fair Labor Standards Act which require that public employers shall begin compliance with the Act on April 15, 1986, and

WHEREAS, the San Francisco Police Department desires to fully comply with the mandates of Congress by designating a work period for all employees and designating certain positions as exempt, now therefore be it

RESOLVED, that the Police Commission hereby declares that (1) the work period of all sworn members shall be a 28-day period beginning at 0001 hours on Saturday, April 13, 1986 and ending at 2400 hours on Friday, May 9, 1986 and repeating each 28 days thereafter, (2) that the work period for all non-sworn members of the San Francisco Police Department shall be a 7-day work period commencing at 0001 hours on Saturday, April 13, 1986 and ending at 2400 hours on Friday, April 18, 1986, and repeating each 7 days thereafter, (3) that the following positions within the San Francisco Police Department are exempt from the application of the Fair Labor Standards Act as permitted by Title 29 United States Code Section 213:

1) Chief of Police
2) All Deputy Chiefs
3) All Commanders
4) All Captains
5) All Lieutenants
6) All Sergeants (except those serving in a predominantly investigating capacity)
7) 3 Inspectors (1 each assigned to Personnel, Legal, Public Affairs)
8) 1 Police Officer (Vehicle Fleet Manager)
9) 1 O.C.C. Director
10) 1 O.C.C. Executive Director
11) All Criminologists and Criminalists
12) All Attorneys
13) Member in Charge - Consent Decree
14) Police Surgeon

AYES: Commissioners Davis, Nelder, Giraudo, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 415-86

APPEAL OF THE CHIEF'S SUSPENSION OF SGT. FRANCIS P. WILLIAMS, RICHMOND STATION

WHEREAS, the date set for the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Charles G. Ogulnik, Attorney at Law, representing Sergeant Francis P. Williams, that the date for the hearing before the Police Commission be continued to May 1, 1986, and that his client hereby waives the 30-day provisions of Section 8.343; therefore be it

RESOLVED, that the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, is set for Thursday, May 1, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JOHNNIE FLANNIGN, MISSION STATION

RESOLUTION NO. 416-86

HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, MISSION STATION

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Johnnie Flannigan, Mission Station, was called it having been set for this date; and

WHEREAS. it was requested by Mr. Stephen Whitmore, Attorney at Law, representing Police Officer Johnnie Flannigan, that the date for the hearing of the disciplinary charges filed against Officer Johnnie Flannigan be set for May 8, 1986, therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Johnnie Flannigan, is set for Thursday, May 8, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

HEARING OF POLICE OFFICER YVONNE HARBOR, POTRERO STATION

The hearing of Police Officer Yvonne Harbor, Potrero Station, was called it having been set for this date. Officer Yvonne Harbor was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to report for duty at the time and place required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department.

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Yvonne Harbor appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Casimir Wilson for the Defense.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Captain Michael Hebel, Community Services Division
Lt. Fernando R. Gamez, Technical Services Bureau
Captain Roger Maloney, Company C

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Intra-Dept. Memo by Lt. Michael Hebel dated 04/16/85

Exhibit #2 Intra-Dept. Memo by Platoon Commander, 2nd Platoon, to Sgt. Becker dated 06/28/85

Exhibit #3 Monthly Evaluation of Yvonne Harbor, June 1985

Exhibit #4 Monthly Evaluation of Yvonne Harbor, August 1985

Exhibit #5 Monthly Evaluation of Yvonne Harbor, September 1985

Exhibit #6 Intra-Dept. Memo of Lt. Gamez to Capt. R. Maloney dated 11/03/85

Exhibit #7 Intra-Dept. Memo of Capt. Maloney to Commander R. Klapp dated 11/04/85

The following named witnesses appeared for the Defense, were sworn and testified:

Sgt. Francis Williams, Company G
Police Officer Robert J. Barbera, Company C
Police Officer Yvonne Harbor, Company C

Closing statements were made by both Prosecuting and Defense attorneys.

The Commission tool the matter under submission, recessed and returned, finding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Yvonne Harbor be suspended for a total of 30 days, 10 days to be imposed and 20 days to be held in abeyance, providing no unexcused tardiness occurs during the next 12 months. If she is not in compliance during that period, the additional 20 days will be imposed.

The Commission again took the matter under submission, and the following resolution was adopted:

RESOLUTION NO. 417-86

DECISION - HEARING OF POLICE OFFICER YVONNE HARBOR, POTRERO STATION

WHEREAS, on December 13, 1985, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Yvonne Harbor as follows:

SPECIFICATION NO. 1

Failure to report for duty at the time and place required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department).

(a) At all times herein mentioned, Yvonne Harbor, Star No. 940, was and is a police officer employed by the San Francisco Police Department. Officer Harbor is assigned to the Golden Gate Division - Potrero District;

(b) As a police officer, Officer Harbor (hereinafter referred to as the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(c) On May 11, 1985, the accused reported for duty late;

(d) On May 16, 1985, the accused reported for duty fifteen (15) minutes late;

(e) On May 31, 1985, the accused reported for duty thirty-five (35) minutes late;

(f) The accused was counseled by Sergeant Leonard Becker, Star No. 1171, on each occasion she reported for duty late during the month of May;

(g) On June 2, 1985, the accused reported for duty seven (7) minutes late;

(h) On June 18, 1985, the accused reported for duty ten (10) minutes late;

(i) On June 28, 1985, the accused reported for duty thirty-eight (38) minutes late;

(j) The accused was counseled by Sgt. Becker on each occasion she reported for duty late during the month of June;

(k) On July 30, 1985, the accused reported for duty two (2) minutes late:

(l) On August 23, 1985, the accused reported for duty ten (10) minutes late. The accused was counseled by Lieutenant Fernando Gamez, Star No. 1410, regarding her tardiness;

(m) On August 24, 1985, the accused reported for duty two (2) minutes late;

(n) On August 25, 1985, the accused reported for duty 138 minutes late;

(o) On August 31, 1985, the accused reported for duty five (5) minutes late. The accused was again counseled by Lt. Gamez regarding her tardiness;

(p) On September 5, 1985, the accused reported for duty ten (10) minutes late;

(q) On September 10, 1985, the accused was notified that her continued tardiness would result in formal disciplinary action;

(r) On October 5, 1985, the accused reported for duty fifteen (15) minutes late;

(s) On October 22, 1985, the accused reported for duty seven (7) minutes late;

(t) On October 24, 1985, the accused reported for duty five (5) minutes late. The accused was counseled again by Lt. Gamez and warned that her continued tardiness would result in disciplinary action;

(u) On November 3, 1985, the accused reported for duty four (4) minutes late;

(v) The accused, by continually reporting for duty late from about May 11, 1985 until November 3, 1985, has engaged in conduct which constitutes a violation of Rule A-4 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, April 10, 1986, and on Thursday, April 10, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-4 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Officer Yvonne Harbor, are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [penalty] 30 days suspension, 10 days to be imposed and 20 days to be held in abeyance, providing no unexcused tardiness occurs during the next 12 months. If she is not in compliance during that period, the additional 20 days will be imposed.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEREAFTER ADJOURNED AT 9:30 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

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SPECIAL MEETING
APRIL 17, 1986 CLOSED SESSION

The Police Commission of The City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, April 17, 1986, at 1700 hours in a Closed Session.

PRESENT: Commissioners Sanchez, Nelder, Davis, Owens
ABSENT: Commissioner Giraudo

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Commissioner Sanchez presiding.

1. Attorney-Client Conference

Edward L. Waldorph vs. City and County of San Francisco, et al (Superior Court No. 847-415)

APRIL 17, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, April 17, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Davis, Owens
ABSENT: Commissioner Giraudo

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 446-86

DONALD SUTTLES, ET AL VS. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald Suttles in the sum of $750.00 entitled "Gregory Lencioni and Donald Suttles vs. City and County of San Francisco, et al" in Superior Court No. 839-697 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 15, 1984

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 447-86

GAIL PAULA SIMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gail Paula Simpson in the sum of $498.86 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 5, 1985

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF MARCH 6, 1986

Approval of Minutes of the Meeting of March 6, 1986. The Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Sanchez said the Commission met this afternoon in Closed Session to consider the settlement proposal of Waldorph vs. City and County of San Francisco pursuant to goverment code Section 54950. He said The Commission voted unanimously to reject the proposed settlement offer and will re-consider this matter consistent with the Minute Order issued by Honorable Judge Raymond D. Williamson on February 19, 1986. He said the reconsideration to Hear the matter will be calendared sometime in the future after review by the City Attorney.

RESOLUTION NO. 448-86

EDWARD L. WALDORPH vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the proposed settlement in the matter of Edward L. Waldorph vs. City and County of San Francisco, et al in Superior Court No. 847-415 is hereby denied.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he and the Staff had a meeting in the Mayor's Office on Tuesday Morning regarding the San Francisco Police Department Fiscal Budget for 1986/1987. He then called upon Deputy Chief Willis Casey to give The Commission a brief report on some of the areas of where the Department stands at this point regarding equipment, personnel and overtime expenditures. The report was then made by Deputy Chief Casey who stated that one key issue of the budget is the loss of a million dollars in overtime. He said also, in addition, the Department will not purchase any un-marked cars during 1986/87 and there will be no replacement of three wheel vehicles and no replacement of two wheel vehicles. He said the Department had less salary savings than was expected of it to report in the Civilian category and because of this it eliminated some of the problems incurred this year in hiring civilians.

Chief Jordan, at the request of Commissioner Davis, commented on the Department's role in the Earthquake Preparedness exercises . The Chief said the first exercise was held on Wednesday morning in the Mayor's Office where she declared a hypothetical State of Emergency and used the Police Call Box System as the on line communications system which was the only communications system in the city of San Francisco that managed to work during the 1906 Earthquake and Fire. He said it would be used again if this tragedy re-occurred. He said they went to the Command Center, the Major Command Center for all Department Heads which is located at 1003 Turk Street and is under the control of the Fire Department. He said they checked all activities there, coordinated activities among all major Department Heads and everything worked very smoothly. He said during the remaining three days of the exercise the Police Department will be very actively involved.

RECOMMENDATION OF THE CHIEF OF POLICE FOR AUTHORIZATION TO ENTER INTO AGREEMENTS WITH THREE CITIES FOR USE OF AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM.

Captain Henry Eidler addressed the Commission on this item and extolled the advantages for all concerned in allowing the use of the Fingerprint Computer by the below named cities.

After further discussion the Commission adopted the following Resolution.

RESOLUTION NO. 443-86

AUTHORIZATION TO THE CHIEF OF POLICE TO ENTER INTO AGREEMENTS WITH THREE CITIES FOR USE OF AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

WHEREAS, the cities of Oakland, Pacifica and South San Francisco have requested permission to use the San Francisco Police Department Automated Fingerprint Identification System, and

WHEREAS, the Chief of Police has submitted for approval an agreement with each of these municipalities setting forth the arrangements for use of the Automated Fingerprint Identification System equipment and containing mutual hold harmless agreements, and

WHEREAS, pursuant to Section 1.26-1 of the San Francisco Administrative Code, the Police Commission is authorized to enter into these agreements; therefore be it

RESOLVED, that the Police Commission for the City and County of San Francisco hereby approves the agreements for use of the Automated Fingerprint Identification System with the cities of Oakland, South San Francisco, and Pacifica and authorizes the Police Department to enter into those agreements.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RE-HEARING ON POLICE COMMISSION REVOCATION OF LIMOUSINE PERMIT #L-47 HELD BY MR. JOHN THOMAS (CONTINUED FROM MEETING OF MARCH 13, 1986)

Continued to May 1, 1986

HEARING OF PETITION OF LUXOR CABS FOR APPROVAL OF EXCHANGE OF ASSETS PURSUANT TO SECTION 5 OF PROPSITION "K"

Mr. Wayne Canterbury addressed the Commission on this subject and explained the reasons as to why this movement was necessary and the fact that Luxor had no option but to either lease or purchase new property for which to do business.

Mr. Greg Fox, Deputy City Attorney although not present earlier, advised the Commission that this request would not violate Proposition K and recommended its approval.

Lieutenant Greg Winters of the Permits Section said as far as Proposition K is concerned there is no problem with the transfer and he would concur with the City Attorney's position at this time.

RESOLUTION NO. 444-86

PETITION OF LUXOR CABS FOR APPROVAL OF EXCHANGE OF ASSETS PURSUANT TO SECTION 5 OF PROPOSITION "K"

RESOLVED, that the petition of Luxor Cabs for Approval of Exchange of Assets pursuant to Section 5 of Proposition "K" is hereby approved.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 441-86

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MARK S. PORTO, CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Mark S. Porto, Central Station, as follows:

SPECIFICATION NO. 1

Failure to comply with Department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Mark S. Porto, Central STation, is set for Thursday, April 24, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION 442-86

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MARIO F. CEBALLOS, TARAVAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Mario F. Ceballos, Taraval Station, as follows:

SPECIFICATION NO. 1

Failure to comply with Department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Mario F. Ceballos, Taraval Station, is set for Thursday, April 24, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE BOARD OF SUPERVISORS AMEND THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 10.117-54 THERETO ESTABLISH THE NARCOTICS FORFEITURE FUND.

Chief Jordan said this matter provides that where any San Francisco Police Officer who is involved in narcotic fund seizures a portion of those monies may be distributed to the local law enforcement agency for its use. He said it must be used for Police related issues and particularly in the narcotic field but cannot be used for Police overtime or salaries. He said this request is to put this on line to show that when the money comes in the authorization for its use must be approved by the Police Commission.

RESOLUTION NO 445-86

AMENDMENT TO SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 10.117-54 TO ESTABLISH THE NARCOTICS FORFEITURE FUND

WHEREAS, under 21 U.S.C. Section 881, et seq., the Police Department of the City and County of San Francisco is eligible to receive funds obtained by the Federal government under narcotics forfeiture laws, and

WHEREAS, in order to be eligible to receive such funds, the City and County must be able to demonstrate that the funds will supplement rather than replace existing law enforcement resources; therefore be it

RESOLVED, that the Police Commission requests the Board of Supervisors to add Section 10.117-54, Narcotics Forfeiture Fund, to the San Francisco Administrative Code which will allow for the receipt of any funds or tangible property as a result of the Police Department's participation in the seizure or forfeiture of property.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUS BY YOSEDEK M. DESTA (CONTINUED FROM MEETING OF APRIL 3, 1986)

Officer Lamont Suslow appeared before the Commission on this subject and submitted a written and verbal report which discussed areas of concerned that were raised by the Commission by Staff and the applicant at the last meeting on the subject.

After the presentation Commissioner Sanchez congratulated the Permit Section Staff for putting togeather a very comprehensive report on this issue. The following speakers then came forth and spoke in opposition of the permit being granted:

Mr. Edward Jung	current holder of Motorized Richshaw Permits
Mr. Frank Dear	State of California Department of Social Service Disabilty Evaluation

He submitted on behalf of Mr. E. Jung, a picture of an Oriental Richshaw as evidence. Mr. Jung also presented a photo of one of his Motorized Rickshaws an evidence.

He then called upon a Mr. Robert T. Imagire, Intercultural Education Committee to speak also in opposition of the granting of a Rickshaw Permit to Mr. Desta.

After listening to Mr. Imagire Mr. Jung then presented Ms. Viola Jang who said she remembers that the Rickshaw originated from China and while she was there as a child they owned three Richshaws. She said this vehicle which is proposed by Mr. Desta has many differences than that of a traditional Rickshaw.

Mr. Robert Richardson of Luxor Cab Company then addressed the Commission on this matter and said it is definitely going to effect the Cab industry as he did not see it as being a sightseeing operation. He, too spoke of significant differences in the vehicle Mr. Desta intended to use as an oriental Rickshaw. He said Mr. Deata's vechicle looks exactly like a Golf Cart. He also spoke of the safety hazards that would be involved if Mr. Desta is allowed to use this vehicle.

Mr. Desta then summarized his position to support his request for the Permit. He said he would be submitting a petition with 400 signatures supporting him in his quest for this permit.

Commissioner Sanchez said the verbal presentations on this item are now closed and the matter will be continued for two weeks.

HEARING OF POLICE OFFICER JERRY A. NEITZ, MISSION STATION

The hearing of Police Officer Jerry A. Neitz, Mission Station, was called it having been set for this date.

Police Officer Jerry Neitz appeared in person and was represented by Mr. Dave Clisham, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Dave Clisham for the Defense.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Officer Daniel Everson, Company E

Inspector/Sergeant Robert Derby, General Works Detail

Sergeant Jean Donaldson, Crime Laboratory

Criminalist Chris Johansen, Crime Laboratory

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 S.F.P.D. Intoxilyzer Checklist, 07/23/85, Subject: Neitz, #632

The following exhibits were entered into evidence by the Defense:

Exhibit #A S.F.P.D. Daily Observation Form

Exhibit #B Memorandum dated 07/23/85 from Jerry Neitz to Capt. O'Donnell, subject: Alcoholic Breath

Upon conclusion of the Prosecution's case, Mr. Clisham made a motion on behalf of Officer Neitz to dismiss the charges against Officer Jerry Neitz. Mr. Jerry Akins objected and presented oral arguments against the motion to dismiss the charges. The motion was denied.

After listening to testimony from the above parties, the matter was continued to Thursday, May 1, 1986 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

THE MEETING, THEREAFTER, WAS ADJOURNED AT 9:03 P.M.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

Minutes

24 APRIL 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their Chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, April 24, 1986 at 1700 hours in a Closed Session.

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PRESENT: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

Commissioner David J. Sanchez presiding.

1. Attorney-Client Conference

POLICE OFFICER JUANITA STOCKWELL vs. CITY AND COUNTY OF SAN FRANCISCO, et al UNITED STATES DISTRICT COURT NO. C83-3172 - WWS and C84-3474 WWS

RESOLUTION NO. 449-86

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Juanita Stockwell in the sum of $73,000.00 entitled "Juanita Stockwell vs. City and County of San Francisco, et al" in U.S. District Court Nos. C83-3172-WWS and C84-3474-WWS as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 1980, November 1980 - September 1983

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

24 APRIL 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their Chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, April 24, 1986 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Owens, Giraudo, Nelder Sanchez
ABSENT: Commissioner Davis

Commissioner David J. Sanchez, presiding.

APPROVAL OF MINUTES OF THE MEETING OF MARCH 13, 1986

Approval of the Minutes of the Meeting of March 13, 1986. The Commissioners have received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

LAURA HAWKINS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 481-86

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Laura Hawkins in the sum of $7,000.00 entitled "Laura Hawkins vs. City and County of San Francisco, et al" in Superior Court No. 813-957 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 23, 1983

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

LINDA M. SILVA

RESOLUTION NO. 462-86

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda M. Silva in the sum of $1,492.86 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 1, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

STATE FARM INSURANCE (TED SHI)

RESOLUTION NO. 463-86

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Ted Shi) in the sum of $1,378.65 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 14, 1985

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLUTION NO. 460-86

RESOLVED, that the Traveling Expense Voucher in the amount of $800.00 submitted by Lieutenant Richard Cairns for expenses incurred in attending the National F.B.I. Academy, in Quantico, Virginia from January 5th to March 21, 1986, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION REPORT

Commissioner David J. Sanchez, Jr., said The Police Commission met this date in Closed-Session pertaining to Attorney-Client Conference and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank M. Jordan, said the only item he has is regarding the ballot measure which was scheduled for June dealing with Police Disciplinary powers giving the Chief of Police the authority to suspend from 10 up to 30 days and then the right to recommend to The Police Commission the ability to reduce an individual by one rank after proper documentation and hearing has been taken off the ballot. He said at this point there is a good chance that it may be placed on the November ballot through a referendum.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Sanchez said the Awards Committee met last Friday and as Chairman of that Committee he is making a motion to The Commission to adopt those recommendations. The motion was unanimously approved and it was also recommended and adopted to set a date of May 21, 1986 for presentation of those Awards.

RESOLUTION NO. 450-86

At a meeting of the Awards Committee held on Friday, April 18, 1986, at 0930 hours, chaired by Police Commission President, David Sanchez, in Room 551, Hall of Justice, the following-named members of the Police Department were awarded Medal of Valor Awards and Meritorious Conduct Awards as follows:

Officer Edward C. Cheung	Silver Medal of Valor
Officer Michael Rodriguez	Silver Medal of Valor
Sergeant John Forbes	Bronze Medal of Valor
Sergeant Jeffrey Lindberg	Bronze Medal of Valor
Officer Matthew Castagnola	Bronze Medal of Valor
Officer Ralph Kugler	Bronze Medal of Valor
Officer Timothy Plyer	Bronze Medal of Valor
Officer Vladimir Shegoleff	Bronze Medal of Valor
Patrol Special Michael Ramsey	Bronze Medal of Valor
Sergeant Michael W. McNeill	Meritorious Award
Sergeant Judie M. Pursell	Meritorious Award
Sergeant Randolph Radosevich	Meritorious Award
Sergeant David Roccaforte	Meritorious Award
Officer Raymond L. Benson	Meritorious Award
Officer Dennis J. Callaghan	Meritorious Award
Officer Melvin P. Cardenas	Meritorious Award
Officer Dolores J. Casazza	Meritorious Award
Officer Patricia L. Correa	Meritorious Award
Officer Fred Crisp	Meritorious Award
Officer Robert J. Deltorre	Meritorious Award
Officer Charles T. Ellis	Meritorious Award
Officer Michael J. Gallegos	Meritorious Award
Officer James S. Gervasi	*Meritorious Award
Officer Michael F. Gonzales	Meritorious Award
Officer Daniel J. May	*Meritorious Award
Officer Daniel A. McDonagh	Meritorious Award
Officer Robert McMillan	Meritorious Award
Officer George S. Stasko	Meritorious Award
Officer Kenneth Sugrue	Meritorious Award
Officer David J. Zanardi	Meritorious Award

(*Two (2) Meritorious Conduct Awards)

RESOLUTION NO. 450-86

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the Provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, April 18, 1986; and

WHEREAS, Chief of Police Frank M. Jordan, has recommended to The Police Commission that the said members be rewarded under the Provisions of Section 8.405 (a) (4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer Edward C. Cheung and Officer Michael Rodriguez, be and they are hereby awarded Silver Medals of Valor and granted a reward of $300.00 EACH as provided for under said Section of the Charter; and be it further

RESOLVED, that Police Sergeant John Forbes; Police Sergeant Jeffrey Lindberg; Police Officer Matthew Castagnola; Police Officer Ralph Kugler; Police Officer Timothy Plyer; Police Officer Vladimir Shegoleff, and Patrol Special Officer Michael Ramsey be, and they are hereby awarded Bronze Medals of Valor and granted a reward of $150.00 EACH, as provided for under said Section of the Charter; and be it further

RESOLVED; that Police Sergeant Michael W. McNeill; Police Sergeant Judie M. Pursell; Police Sergeant Randolph Radosevich; Police Sergeant David Roccaforte; Police Officer Raymond L. Benson; Police Officer Dennis J. Callaghan; Police Officer Melvin P. Cardenas; Police Officer Dolores J. Casazza; Police Officer Patricia L. Correa; Police Officer Fred Crisp; Police Officer Robert J. Deltorre; Police Officer Charles T. Ellis; Police Officer Michael J. Gallegos; Police Officer James S. Gervasi*; Police Officer Michael F. Gonzales; Police Officer Daniel J. May*; Police Officer Daniel A. McDonagh; Police Officer Robert McMillan; Police Officer George S. Stasko; Police Officer Kenneth Sugrue; Police Officer David J. Zanardi; be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 EACH as provided for under said Section of the Charter.

(*Two (2) Meritorious Conduct Awards)

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

DEPARTMENT GENERAL ORDERS

Deputy Chief Willis Casey stated that the two General Orders, this one and the next one as listed on today's agenda are technical revisions of those Orders. He said they have discussed the matter with the San Francisco Police Officers' Association and they chose not to meet and confer as there are no major changes. He said for example, the Property Control Division and some minor procedures were changed. Commissioner Alfred Nelder said he would move approval of both Item 8 and Item 9.

DEPARTMENT GENERAL ORDER Q-1, "PROPERTY PROCESSING"

RESOLUTION NO. 451-86

RESOLVED, that the Police Commission hereby approves Department General Order Q-1, "Property Processing".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

DEPARTMENT GENERAL ORDER Q-3, "PERSONAL PROPERTY OF ARRESTED PERSONS"

RESOLUTION NO. 452-86

RESOLVED, that the Police Commission hereby approves Department General Order Q-3, "Personal Property of Arrested Persons".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION ADOPT A RESOLUTION ESTABLISHING A FEE OF $5.00 FOR THE PERIOD 07/01/86 TO 06/30/87 FOR EACH METALLIC TAXICAB MEDALLION ISSUED BY THE SAN FRANCISCO POLICE DEPARTMENT TO EVERY TAXICAB PERMIT HOLDER.

Officer Lamont Suslow addressed The Commission on this matter and said that Section 1135.2.1 of the Municipal Police Code requires The Police Commission to set a fee for the Taxi Cab Medallions that are issued once a year. He said the Department has reviewed the process that the Permit Section has used to issue the items and also to obtain the Medallions for the Fiscal Year July 1986 to June 30, 1987. He said they recommended a fee of five dollars based on cost of materials of $1.78 per unit and a personnel cost of $3.06 which was then rounded off to $5.00. He then presented a sample of the Medallion to the Commission.

Commissioner Alfred Nelder said he felt this was a niminal amount and he would move approval.

RESOLUTION NO. 458-86

WHEREAS, the Police Commission is the authority, under Section 1135.2.1 of the Police Code, for the setting of the annual fee for metallic taxicab medallions; and

WHEREAS, the Police Department has submitted a metallic taxicab medallion cost analysis indicating the cost of production and issuance of the metallic taxicab medallions; therefore be it

RESOLVED, that the Police Commission hereby establishes a fee of $5.00 for the period July 1, 1986 to June 30, 1987 for each metallic taxicab medallion issued by the San Francisco Police Department to every taxicab permit holder.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MICHAEL I. CAPLAN, CENTRAL STATION

RESOLUTION NO. 454-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael I. Caplan, Central Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department, therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Michael I. Caplan, Central Station, is set for Thursday, May 1, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

NOTIFICATION AND FILING OF AMENDED CHARGES AGAINST POLICE OFFICER JOHNNIE FLANNIGAN, MISSION STATION

RESOLUTION NO. 453-86

WHEREAS, amended charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Johnnie Flannigan, Mission Station, as follows:

CHARGE NO. 1

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which subverts the good order, efficiency and discipline of the Department and which casts discredit on the Department (violation of Rule A-9 of General Order D-1).

CHARGE NO. 4

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the amended disciplinary charges filed against Officer Johnnie Flannigan, Mission Station, is set for Thursday, May 8, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

SETTING OF DATE FOR HEARING OF POLICE OFFICER RICHARD P. WALLETT, TRAFFIC DIVISION

RESOLUTION NO. 455-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Richard P. Wallett, Traffic Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Richard P. Wallet be set for May 22, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Richard P. Wallett be set for Thursday, May 22, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

SETTING OF DATE FOR HEARING OF POLICE OFFICER MARK S. PORTO, CENTRAL STATION

RESOLUTION NO. 457-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Mark S. Porto, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Mark S. Porto be set for May 22, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Mark S. Porto, Central Station, is set for Thursday, May 22, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

SETTING OF DATE FOR HEARING OF POLICE OFFICER MARIO F. CEBALLOS, TARAVAL STATION

RESOLUTION NO. 456-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Mario F. Ceballos, Taraval Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Mario F. Ceballos, be set for May 22, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Mario F. Ceballos, Taraval Station, is set for Thursday, May 22, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

STATUS REPORT ON POLICE OFFICER YVONNE HARBOR, POTRERO STATION)

RESOLUTION NO. 459-86

WHEREAS, the status report of Police Officer Yvonne Harbor, Potrero Station, was called it having been set for this date; and

WHEREAS, Police Officer Yvonne Harbor appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

WHEREAS, Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department; and

WHEREAS, an opening statement was made by Mr. Michael Gash for the Prosecution; and

WHEREAS, an opening statement was made by Mr. Casimir Wilson for the Defense; and

WHEREAS, on April 10, 1986, the Police Commission, in Resolution No. 417-86, issued the following penalty to Police Officer Yvonne Harbor:

> "30 days suspension, 10 days to be imposed and 20 days to be held in abeyance, providing no unexcused tardiness occurs during the next 12 months. If she is not in compliance during that period, the additional 20 days will be imposed."

WHEREAS, it was brought to the attention of the Police Commission that Officer Harbor had failed to comply with the order of the Police Commission as written in Resolution No. 417-86; therefore be it

RESOLVED, that the Commission orders that Officer Yvonne Harbor, Potrero Station, be suspended for thirty (30) calendar days to be imposed on her return from disability status, projected to commence Wednesday, May 7, 1986 at 0001 hours and ending on Thursday, June 5, 1986 at 2400 hours.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

HEARING OF POLICE OFFICER RICHARD WOO, COMMUNICATIONS DIVISION

The hearing of Police Officer Richard Woo, Communications Division, was called it having been set for this date.

Police Officer Richard Woo appeared in person and was represented by Mr. William J. Murphy, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. William Murphy for the Defense.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant Robert Berry, Personnel/Training Division
Officer Wesley Yee, Company H

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 City Attorney letter dated 04/12/84 to Deputy Chief Richard Trueb

Exhibit #2 Field Training and Evaluation Program

Exhibit #3 Recruit Manual

Exhibit #4 Daily Observation Report

After listening to testimony from the above parties, the matter was continued to Tuesday, May 6, 1986 at 1700 hours in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

Recess taken during the hearing of Officer Richard Woo:

8:29 p.m. to 8:37 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEREAFTER ADJOURNED

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

MAY 1, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 1, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Sanchez, Nelder, Owens
ABSENT: Commissioners Davis, Giraudo

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Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

Continued one week

APPROVAL OF THE MINUTES OF MEETING OF MARCH 20, 1986

Approval of Minutes of the Meeting of March 20, 1986. The Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

The scheduled Attorney-Client Conference was cancelled.

Commissioner Sanchez said the only comment he had at this point is in regard to the Delegation from Caracas Venezuela. He said they had come here in reference to the Sister City Exchange Program. He continued by saying the Governor of Caracas, Governor Contreras, and his Delagation General Adolfo Marco Pacheco who is the Commadante the General of the Military Police in Caracas have all been here for the past three days and will be leaving tommorrow. He said there have been some informal and formal discussions both in reference to possible areas of collaboration and training as far as a number of The Department's section such as our computer access numbers, our 911 Emergency systems and other types of activities throughout. He said they are also very interested in setting up a Mounted Unit as they do not have any horses at this time in Caracas although they have a staff of seven thousand officers. Commissioner Sanchez then asked the Chief if he wanted to add anything.

Chief Jordan said nothing other than the fact that they did sign a Memorandum of Understanding today with the leaders of the Delegation. He said it zeroes in on four different issues, basically and that is training, the possibility of exchange in training, narcotic enforcement expertise, Fingerprint Computers and Technician work in that area and the fourth one is dealing in areas that might be of interest in terms of "Snoppy" the bomb robot and things of that nature that the Delagation has seen here during their visit and have expressed interest in.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no items to report at this time.

HEARING ON PROPOSED AMENDMENT TO THE OFFICE OF CITIZENS COMPLAINTS INVESTIGATIVE HEARING RULES.

Commissioner Sanchez said there have been numberous letters pertaining to this item and also a request to the Commission for it to be continued two weeks.

Commissioner Nelder said he would move for a two week continuance. It was seconded by Commissioner Owens and unanimously approved.

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER O-5, "DEPARTMENT AWARDS".

Deputy Chief Willis Casey stated to the Commission that what they have done here is to re-write this entire General order relating to the Department Training Plan. He said the way it is written now makes it much more specific and gives each Deputy Chief a larger role in determining the amount of training to be done by members of his command. He said the feeling is that this will provide better training for the Department's Officers and make better use of the training monies. He said they are therefore recommending that the Commission approve this amendment.

Commissioner Nelder said he would move approval.

Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 464-86

DEPARTMENT GENERAL ORDER P-10, "DEPARTMENT TRAINING PLAN"

RESOLVED, that the Police Commission hereby approves the revision of Department General Order P-10, "Department Training Plan".

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER O-5, "DEPARTMENT AWARDS".

Deputy Chief Casey presented pictures to the Commission in regard to this item and said one picture is worth a thousand words. He said what they are basically doing with this Order is amending it to include ribbons. He said the Officers would still receive the Medal but rather than pinning the medals on they would wear the ribbons which are much neater in Appearance and may be worn more often

Commissioner Sanchez then asked that the matter be continued to next week when all of the Commissioners are present as it is of major significance.

Commissioner Nelder said he would move for a one week continuance. It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 465-86

SETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL I. CAPLAN, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Michael I. Caplan, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Terrence Hallinan, Attorney at Law, representing Police Officer Michael I. Caplan, that the date for the hearing of the disciplinary charges filed against Officer Michael Caplan be set for June 5, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Michael I. Caplan is set for Thursday, June 5, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUS BU YOSEDEK M. DESTA (continued from Meeting of April 3, 1986)

Commmissioner Nelder said he would make a motion that this matter be continued for one week because two of the Commissioners who wanted to hear this item are absent.

It was seconded by Commissioner Owens and unanimously approved.

RE-HEARING ON AMENDED COMPLAINT BY THE CHIEF OF POLICE FOR THE REVOCATION ON LIMOUSINE PERMIT #L47, HELD BY MR. JOHN THOMAS

Commissioner Nelder having been informed by Mr. Thomas Attorney Mr. Alfred Arnaud that Mr. Thomas was present in the building although not present at the meeting as it was not yet 5:30 pm, Commissioner Nelder then said since this matter was going to take a lengthy amount of time and two of the Police Commissioners who are extremely interesed in the matter are absent, and he would recommend this matter be continued for two weeks. It was thereafter unanimously approved for a two week continuance.

RESOLUTION NO. 466-86

APPEAL OF THE CHIEF'S SUSPENSION OF SGT. FRANCIS P. WILLIAMS, RICHMOND STATION

WHEREAS, the date set for the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Charles G. Ogulnik, Attorney at Law, representing Sergeant Francis P. Williams, that the date for the hearing before the Police Commission be continued to May 15, 1986; therefore be it

RESOLVED, that the date for the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, is set for Thursday, May 15, 1986 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

HEARING OF POLICE OFFICER JERRY A. NEITZ, MISSION STATION (CONTINUED FROM MEETING OF APRIL 17, 1986

The hearing of Police Officer Jerry A. Neitz, Mission Station, was called it having been continued from the Meeting of April 17, 1986. Police Officer Jerry A. Neitz was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to report for work in a fit condition to perform duty (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to answer truthfully and without evasion questions propounded to him by a superior officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department, and which reflects discredit on the Department (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Jerry Neitz appeared in person and was represented by Mr. Dave Clisham, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense, were sworn and testified:

Officer Jerry A. Neitz, Company D
Officer Susan J. Moneyhun, Company H
Lieutenant Anthony Novello, Company D
Lieutenant Anthony Ribera, Company D
Inspector Gerald R. Golz, Investigations Bureau

The following exhibits were entered into evidence by the Defense:

Exhibit C Copy of Officer Neitz' notebook page dated July 23, 1985

Exhibit D Copy of Officer Neitz' notebook page dated July 8, 1985

Exhibit E CSC Form 6-37 (9/80)

The following exhibits were entered into evidence by the Prosecution:

Exhibit #2 Intra Dept. Memo from Officer Neitz to Captain Thomas O'Donnell dated 07/23/85, Subject, Alcoholic Breath

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 and Charge No. 2 are sustained and Charge No. 3 is not sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Charge No. 1, Officer Jerry A. Neitz be suspended for 30 days. For Charge No. 2, he is to be suspended 30 days, said 30 days to be held in abeyance for one year. If any violation occurs during this period, the 30 days suspension will be imposed.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 467-86

DECISION - HEARING OF POLICE OFFICER JERRY A. NEITZ, MISSION STATION

WHEREAS, on December 30, 1985, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Jerry A. Neitz as follows:

CHARGE NO. 1

Failure to report for work in a fit condition to perform duty (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Jerry A. Neitz, Star Number 632 (hereinafter referred to as "the accused"), was a probationary police officer employed by the San Francisco Police Department and assigned to Golden Gate Division, Northern Police District for Field Training;

(2) As a probationary police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On Monday, July 22, 1985, the accused reported for duty at the Northern District Station for his tour of duty which was the 2300 to 0700 watch;

(4) Shortly after beginning patrol duty, the accused assigned field training officer, and partner, observed that the accused had a strong alcoholic breath;

(5) After the accused and the training officer had completed two assignments and upon their return to the Northern District Station, the training officer informed the platoon commander that the accused had a strong alcoholic breath;

(6) While discussing an arrest and charges with the accused, the platoon commander observed that the accused had a strong alcoholic breath;

(7) The platoon commander questioned the accused regarding his consumption of beverage alcohol and then directed that the accused submit to an intoxilyzer test to determine the blood alcohol level of the accused;

(8) The accused complied with the order to take an intoxilyzer test and at or about 0115 hours on Tuesday, July 23, 1985, the intoxilyzer test was administered;

(9) The test which was administered more than two hours after the accused reported for duty indicated that the accused blood contained .07% of alcohol by weight in the first test and .06% of alcohol by weight in the second test;

(10) By reporting for duty while under the influence of alcohol, the accused failed to report for work in a fit condition to perform duty which constitutes a violation of Rule A-4 of General Order D-1 of the San Francisco Police Department which states:

"Members shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

CHARGE NO. 2

Failure to answer truthfully and without evasion questions propounded to him by a superior officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

(11) Paragraphs 1 through 9 of Charge No. 1 herein above are realleged and incorporated herein by reference as though set forth in full

(12) When the accused was questioned concerning his consumption of beverage alcohol, he stated that he had had two brandies, the last of which he had at approximately 1400 hours during the day, before reporting to work;

(13) By stating that he had only two drinks approximately eleven hours before reporting for duty, the accused was not truthful and was evasive concerning his consumption of alcohol, which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of an afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department, and which reflects discredit on the Department (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

(14) Paragraphs 1 through 9 of Charge No. 1 hereinabove and paragraphs 12 and 13 of Charge No. 2 hereinabove are realleged and incorporated hereby by reference as though set forth in full

(15) The accused, as a probationary employee engaged in the Field Training Program, by consuming beverage alcohol as hereinabove alleged before coming to work has engaged in conduct which thwarted the training function which was his primary mission on the date, and which subverts the good order, efficiency and discipline of the Department a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, April 17, 1986 and Thursday, May 1, 1986, and on Thursday, May 1, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Charge No. 1, violation of Rule A-4 of General Order D-1 of the San Francisco Police Department, and Charge No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Officer Jerry A. Neitz are sustained, and Charge No. 3, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department are not sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Charge No. 1 [penalty] 30 calendar days suspension, 15 calendar days to be imposed and 15 days to be held in abeyance for one year

Charge No. 2 [penalty] 30 calendar days suspension, 15 calendar days to be imposed and 15 days to be held in abeyance for one year

and be it further

RESOLVED, that said suspension totaling thirty (30) calendar days is to be imposed commencing Saturday, May 10, 1986 at 0001 hours and ending Sunday, June 8, 1986 at 2400 hours. The fifteen (15) calendar days on Charge No. 1 and additional fifteen (15) calendar days held in abeyance on Charge No. 2, for a total of thirty (30) calendar days are to be held in abeyance for one year. If any violation relating to the charges occurs during this period, the additional thirty (30) days shall be imposed.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recesses taken during the hearing of Officer Neitz:

7:06 p.m. to 7:12 p.m.
7:25 p.m. to 7:46 p.m.
7:50 p.m. to 7:59 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER AARON O. BARNES, CENTRAL STATION

The hearing of Police Officer Aaron O. Barnes, Central Station, was called it having been set for this date.

Police Officer Aaron O. Barnes appeared in person and was represented by Mr. Byron F. Wong, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Byron F. Wong for the Defense. He entered a plea of Not Guilty on behalf of his client.

An opening statement was made by Mr. Michael E. Gash for the Prosecution.

The following named witness appeared for the Prosecution, was sworn and testified:

Ms. Regina Harper, 3687 Mount Diablo Boulevard, Lafayette, California

After listening to testimony from the above parties, the matter was continued to Thursday, May 15, 1986 at 6:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEREFORE ADJOURNED AT 9:00 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

Minutes

MAY 6, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Tuesday, May 6, 1986, at 1700 hours in a Special Meeting.

PRESENT: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

Commissioner David Sanchez presiding.

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HEARING OF POLICE OFFICER RICHARD WOO, COMMUNICATIONS DIVISION (CONTINUED FROM MEETING OF APRIL 24, 1986

The hearing of Police Office Richard Woo, Communications Division, was called it having been continued from the meeting of April 24, 1986.

Police Officer Richard Woo appeared in person and was represented by Mr. William J. Murphy, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant John F. Madden, Company A
Officer Robert M. Swall, Company A

After listening to testimony from the above parties, the matter was continued to Thursday, May 29, 1986 at 6:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

The meeting was thereafter adjourned at 7:00 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

= Minutes

MAY 8, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, May 8, 1986 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

Commissioner Sanchez presiding.

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1. Attorney-Client Conference

MAY 8, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 8, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 468-86

JOHN JOHNSON vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of John Johnson in the sum of $50,000.00 entitled "John Johnson vs. City and County of San Francisco, et al in Superior Court No. 796-213, as the result of damages sustained be, and the same is hereby approved.

Date of Incident: January 9. 1982

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 469-86

RITA ANN ALVARADO vs. SAN FRANCISCO CITY & COUNTY, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Rita Ann Alvarado in the sum of $9,500.00 entitled "Rita Ann Alvarado vs. San Francisco, et al" in Superior Court No. 813-481, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 1, 1983

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 470-86

SHWE TSE vs. SAN FRANCISCO CITY & COUNTY, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Shwe Tse in the sum of $8,750.00 entitled "Shwe Tse vs. San Francisco City and County, et al in Superior Court No. 789-617, as the result of damages sustained be and the same is hereby approved.

Date of Incident: April 6, 1981

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 471-86

JOHN CREW vs. SAN FRANCISCO CITY & COUNTY, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of John Crew in the sum of $4,900.00 in United States District Court No. C85-6630-SC, entitled "John Crew vs. San Francisco City and County, et al, for damages incurred, be, and the same is hereby approved.

Date of Incident: September 6, 1984

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 472-86

BRUNN vs. SAN FRANCISCO CITY & COUNTY, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Brunn in the sum of $6,800.00 in Superior Court No. 832-424 entitled "Brunn vs. San Francisco City and County, et al", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 27, 1983

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 475-86

COOPER, et al vs. SAN FRANCISCO CITY & COUNTY

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Cooper, in the sum of $7,000.00 in Superior Court Nos. 798-178 & 817-821 (Consolidated) entitled "Cooper , et al vs. San Francisco City and County" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 2, 1981

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

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RESOLUTION NO. 473-86

JOSE LOPEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose Lopez in the sum of $687.48 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 11, 1986

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 474-86

PATRICIA GRICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Grice in the sum of $490.38 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 11, 1986

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 476-86

HURBERT JOLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hurbert Joly in the sum of $678.87 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 30, 1985

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 477-86

JEFFREY ZHEUTLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Zheutlin in the sum of $184.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 21, 1985

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 478-86

JEROME POOLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerome Poole in the sum of $115.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 27, 1985

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 479-86

ABC TOWING (ESTELLE GADSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Estelle Gadson) in the sum of $109.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 6, 1986

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF THE MINUTES OF MEETING OF APRIL 3, 1986

The minutes of the Meeting of April 3, 1986 were approved, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission met this date in Closed Session under the Brown Act pertaining to an Attorney-Client Conference and no vote was recorded.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had one item for the Commission and it was to let them know that the Narcotics Bureau had an amiable and cooperative effort working with Ingleside Station personnel at the request of residents living out near Ocean View Playground. There was a concerted drive on Narcotics Enforcement in that area. He said as a result of narcotic buys, there were 12 separate arrests, all dealing with marijuana and cocaine, and of the 12, four were also involved in carrying firearms, two of which were believed to have been stolen in the commission of other crimes.

HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUS BY YOSSEDEK M. DESTA (CONTINUED FROM MEETING OF APRIL 3, 1986

Commissioner Sanchez said this item is one that has been held over twice, pursuant to the need for receiving additional information. He said much of

that information was received within the past few days, with some of it having just arrived today. He continued by saying that one of the Commissioners has been reviewing this very thoroughly but unfortunately he was unable to be here this evening, and as such, the Commission has decided to continue it for one week for final discussion and vote. Commissioner Nelder then said he would move for a one week continuance and it was seconded and unanimously approved.

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER O-5, "DEPARTMENT AWARDS"

Lieutenant Tom Murphy addressed the Commission on this item and said that the revision to this order deals with the Commission granting authorization for ribbons to be worn by heroic officers in place of previously earned Medals of Valor. He said the Medals would still be appropriate to wear during ceremonious situations, but if worn during normal police functions, they would tend to get in the way. He said the ribbons would be worn mandatorily on all Class A uniforms and also on the long or short sleeve shirts, if the Officers so desired.

Commissioner Nelder said he would move for adoption. It was seconded by Commissioner Giraudo and unanimously approved.

RESOLUTION 480-86

REVISED DEPARTMENT GENERAL ORDER O-5, "DEPARTMENT AWARDS"

RESOLVED, that The Police Commission hereby approves Revised Department General Order O-5, "Department Awards".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RE-HEARING ON THE PETITION OF VETERANS TAXICAB COMPANY, INC. vs. SPECK CAB COMPANY

Commissioner Sanchez said because of the materials just received on this item, including materials from the City Attorney, and again because of the absence of one of the Commissioners who wished to be present when this matter is heard, he would recommend that the Commission consider holding it over for one week so that the Commission could proceed with it and have full discussion at that point.

Commissioner Nelder said he felt that the matter will be a lengthy one, and because of all of the pending matters on next week's calendar he would recommend, if it is agreeable to all concerned, that it be continued to June 12, 1986. It was then unanimously approved to be continued to that date.

RESOLUTION NO. 485-86

WHEREAS, the date for the re-hearing of the petition of Veterans Taxicab Co., Inc. vs. Speck Cab Co. was called it having been set for this date; and

WHEREAS, it was requested by Police Commission President Dr. David J. Sanchez, because of the absence of one Commissioner who expressed a desire to hear the matter, that the date for the re-hearing of the petition of Veterans Taxicab Co., Inc. vs. Speck Cab Co. be continued to June 12, 1986; therefore be it

RESOLVED, that the date for the re-hearing of the petition of Veterans Taxicab Co., Inc. vs. Speck Cab Co. is set for Thursday, June 12, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB - JAMES R. MINES - APPROVED

RESOLUTION NO. 480-86

WHEREAS, the applicant appeared at a Public Convenience and Necessity hearing held on Thursday, May 8, 1986; and

WHEREAS, The Commission determined at a Public Convenience and Necessity hearing on Thursday, March 29, 1984, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, The Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that the individual applicant appearing before The Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted under and shall be revokable under criteria and standards published by The Commission in conjunction with applicable Sections of the San Francisco Municipal Code, and shall be and is hereby granted to James R. Mines.

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB - JOHN S. JOHNSTON - APPROVED

RESOLUTION NO. 480A-86

WHEREAS, the applicant appeared at a Public Convenience and Necessity hearing held on Thursday, May 8, 1986; and

WHEREAS, The Commission determined at a Public Convenience and Necessity hearing on Thursday, March 29, 1984, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, The Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that the individual applicant appearing before The Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted under and shall be revokable under criteria and standards published by The Commission in conjunction with applicable Sections of the San Francisco Municipal Code, and shall be and is hereby granted to John S. Johnston.

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF THE WITHDRAWAL OF MR. CLAUDE F. KEARNS APPLICATION FOR AN ADDITIONAL TAXICAB PERMIT

RESOLUTION NO. 483-86

WHEREAS, the Chief of Police has recommended to The Police Commission that Claude F. Kearns' application for a Taxicab Permit be withdrawn; and

WHEREAS, this withdrawal action will remove Mr. Kearns from the Taxicab Public Convenience and Necessity list; and

WHEREAS, the reason for this recommendation is based upon the fact that Mr. Kearns currently holds two (2) taxicab permits at Yellow Cab Company (Permit No. T-576 and T-701) and is thererfore ineligible for another permit per Section 2b of Appendix F of the City Charter (Proposition K) which states in part, "...No more than one permit shall be issued to any one person."; and

WHEREAS, Mr. Kearns has sent a written letter to the Permit Section acknowledging the withdrawal of his application, and said letter was made the subject of a Permit Hearing on April 1, 1986, at which time Mr. Kearns failed to appear; and

WHEREAS, THE matter came on for hearing before The Police Commission on Thursday, May 8, 1986 and Mr. Claude F. Kearns, once again failed to appear; therefore be it

RESOLVED, that the Chief's recommendation for withdrawal of Mr. Claude F. Kearns application for a taxicab permit coupled with Mr. Kearns' letter of withdrawal of his application from the taxi permit list is approved and it is hereby officially removed from the waiting list fot Taxicab (Operator) Permits.

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY REGARDING THE OPERATION OF TAXICAB PERMITS - THOMAS J. SIMMONEAU (DENIED)

RESOLUTION NO. 484-86

WHEREAS, Thomas J. Simmoneau has applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, The Commission determined at a Public Convenience and Necessity hearing on Thursday, March 29, 1984, based on the record received at that hearing, that clear and convincing evidence supported a finding that public conveinence and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, The Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; and

WHEREAS, based upon the failure of Mr. Simmoneau to complete the application process and his failure to notify the Department of a change of address as required by Police Commission policy the Chief recommends Mr. Simmoneau be denied a taxicab (Operators Permit); therefore be it

RESOLVED, that based on written and oral evidence submitted by staff of the Chief of Police it is the decision of The Police Commission to deny the application of Mr. Thomas J. Simmoneau for a Taxicab (Operators) permit and his name is hereby stricken from the Taxicab Public Convenience and Necessity Application List.

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER D-6, "CERTIFICATE OF RELEASE"

Lieutenant Tom Murphy said the revision to this General Order is a result of litigation which recently ended. It dictated procedures for which a police officer may stop and detain a citizen. He said the City Attorney has reviewed it and approved the language used and it is consistent with terms of the litigation.

Chief Jordan further advised the Commission that this is to update the Department's General Orders so that they will be right up to standard in terms of legal practices. Commissioner Nelder said he would move approval, it was seconded and unanimously approved.

RESOLUTION 481-86

RESOLVED, that The Police Commission hereby approves Revised Department General Order D-6, "Certificate of Release".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RECOMMENDATION OF THE SPECIAL AWARDS COMMITTEE MEETING IN REGARDS TO THE LATE POLICE OFFICER DANIEL LOMIO

Commissioner Sanchez said that there was a special meeting called by the Awards Committee last Tuesday pertaining to the nomination of the late Officer Daniel Lomio for his outstanding actions taken pertaining to assisting tenants to safety from a burning building. The Committee voted unanimously to award him at this meeting posthumously, a Bronze Medal of Valor. He said he would like to recommend to the Commission that this be approved and that it be added to the Awards Presentation Ceremony scheduled for the 21st of May. It was moved and seconded and unanimously approved.

RESOLUTION NO. 497-86

REWARD GRANTED TO MEMBER OF THE POLICE DEPARTMENT

WHEREAS, the following named member of the Police Department has been commended for courageous service under the Provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Special Awards Committee on Wednesday, May 7, 1986; and

WHEREAS, Chief of Police Frank M. Jordan, has recommended to The Police Commission that the said member be rewarded under the Provisions of Section 8.405 (a) (4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer Daniel Lomio, be, and he is hereby awarded a Bronze Medal of Valor and granted a reward of $150.00, as provided for under said Section of the Charter.

AYES: Commissioners Owens, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Davis

HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, COMMUNICATIONS DIVISION

The hearing of Police Officer Johnnie Flannigan, Communications Division, was called it having been set for this date. Police Officer Johnnie Flannigan was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Engaging in conduct which subverts the good order, efficiency and discipline of the Department and which casts discredit on the Department (violation of Rule A-9 of General Order D-1).

*CHARGE NO. 4

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

*Added to the previous charges as Amended Charges.

**CHARGE NO. 5

Engaging in conduct which subverts the good order, efficiency and discipline of the Department and which casts discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

**Added as an Amendment to the Amended Charges.

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Johnnie Flannigan appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Stephen Whitmore for the Defense. Mr. Whitmore waived procedure in filing of Amendment to Amended Charges and entered a plea of guilty to Charge No. 1, Charge No. 4 and Charge No. 5. A plea of No Contest was made on Charge No. 2 and Charge No. 3.

Commissioner Nelder made a motion for acceptance of the pleas and was seconded by Commissioner Giraudo and unanimously approved.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Officer David Fedullo, California Highway Patrol, San Francisco Base

Lieutenant Christopher Weld, Technical Services Bureau

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Waiver of Rights Breath Sample Preservation Report

Exhibit #2 Chief's letter to Officer Flannigan ordering physician's certificate on first day of illness dated 03/28/86

Exhibit #3 Copy of Kaiser visit verification of Officer Flannigan, 12/06/85 - 12/08/85

Exhibit #4 Original Certificate of Exhibit #3 above

The following named witnesses appeared for the Defense, were sworn and testified:

Dr. Kenneth Lipman, 829 Main Street, Martinez, CA
Officer Johnnie Flannigan, Communications

No closing statements were made by either Prosecuting or Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 through Charge No. 5 are all sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Johnnie Flannigan be terminated, to be held in abeyance for one year, provided he serves six months suspension and be involved in a Rehabilitation Program and receive psychological counseling.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 486-86

DECISION - HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, COMMUNICATIONS DIVISION

WHEREAS, on January 28, 1986, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Johnnie Flannigan as follows:

CHARGE NO. 1

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Johnnie Flannigan, Star Number 207 (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to the Golden Gate Division, Mission District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On March 28, 1985, the Chief of Police issued a written order to the accused that he provide a physician's certificate for the first day and each subsequent day that he missed work and desired to be carried on sick leave status;

(4) After receiving the Chief's order, the accused engaged in a pattern of attendance which appeared to constitute an abuse of the leave policies of the Department, in that he would call in for vacation on short notice or after a watch started, call in asking to be carried as "FH" (Floating Holiday) after "oversleeping", take last minute vacation days when supposed to return from watches off and days when the accused was absent without leave;

(5) On December 3, 4, 5, 6, 7 and 8, 1985, the accused failed to report for duty and failed to comply with the order of the Chief that he provide a proper physician's certificate confirming and diagnosing his illness;

(6) The accused by abusing leave procedures of the Department and by not providing a physician's certificate to the effect that he was indeed sick on those occasions when he was absent from work without permission, has disobeyed the direct order of the Chief of Police, which constitutes a violation of Rule A-11 of General Order D-1 which provides in pertinent part:

"Members shall promptly obey all lawful orders of superiors ...."

CHARGE NO. 2

(7) Each and every allegation contained in paragraphs (1) and (2), inclusive, are incorporated herein by reference as though set forth in full;

(8) On January 6, 1986, at or about 0230 hours, the accused, while off duty and driving a 1982 Toyota automobile, was involved in a collision with a parked automobile on the 2900 block of Mission Street, (near its intersection with 16th Street), in the City and County of San Francisco, State of California;

(9) At said time and place, the accused left the scene of the accident without complying with the requirements of Vehicle Code Section 20002(a), the accused was subsequently apprehended near the intersection of 16th and Valencia Streets in the City and County of San Francisco, State of California;

(10) The accused was transported to the Traffic Bureau where a member of the California Highway Patrol administered a Intoxilyzer test which indicated that the accused's blood contained .28% alcohol by weight;

(11) California Vehicle Code Section 23152(a) makes it a misdemeanor to operate a motor vehicle on the public roads of the State of California while under the influence of alcohol and California Vehicle Code Section 23152(b) makes it a misdemeanor to operate a motor vehicle on the public roads of the State of California with more than .10% blood alcohol by weight;

(12) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by driving a vehicle on the highways of the State of California in a condition which would constitute a violation of Vehicle Code Section 23152(a) and (b), not only failed to prevent crime, but actually engaged in conduct of a criminal nature which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

CHARGE NO. 3

Engaging in conduct which subverts the good order, efficiency and discipline of the Department and which casts discredit on the Department (violation of Rule A-9 of General Order D-1).

(13) Each and every allegation contained in paragraphs (1) and (2), inclusive, of Charge No. 1 and paragraphs (8) through (11) of Charge No. 2, inclusive, is incorporated herein by reference as though set forth in full;

(14) After the collision referred to in (8) above, the accused did not stop to find the owner of the vehicle or stop to leave his name and address in a conspicuous place on the vehicle he hit as required by Vehicle Code Section 20002(a);

(15) By driving a motor vehicle on the public roads of the State of California in a condition which would constitute a violation of Vehicle Code Section 23152(a) and (b), and by failing to stop and either search for the owner of the other vehicle in the collision or leave his name and address on the other vehicle, conduct which would constitute a violation of Vehicle Code Section 20002(a), the accused has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, on April 18, 1986, Frank M. Jordan, Chief of Police, made and served Amended Charges against Police Officer Johnnie Flannigan with the addition as follows:

CHARGE NO. 4

Failure to obey the lawful order of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

(16) Each and every allegation contained in paragraphs (1) through (5) of Charge No. 1, inclusive, are incorporated herein by reference as though set forth in full;

(17) On January 4, 1986, though still assigned to the Mission District, the accused was transferred to the Communications Division, Technical Services Bureau;

(18) During February, March and April of 1986 the accused continued his pattern of using sick leave in conjunction with his days off;

(19) On April 7, 8 and 9, 1986, the accused requested to be carried on Sick Leave with Pay Status (SP) following his regular watches off on April 5 and 6;

(20) The Commanding Officer of the Communications Division, based on the accused's prior and recent history of sick leave abuse, the nature of the within charges pending before the Police Commission, his recent treatment for alcohol abuse and after conferring with the Police Physician, ordered that the accused submit a urine sample for testing on his return to work April 10, 1986.

(21) On April 10, 1986, the accused returned to work and the Communications Division Commanding Officer's order was relayed to the accused;

(22) The accused was ordered to accompany his Lieutenant to Central Emergency Hospital to submit a urine sample for testing. The accused consented to obey this order; however, when he arrived at the Hall of Justice parking lot he changed his mind and left the premises without providing the urine sample for testing as ordered;

(23) By refusing to complete the urine testing process after a direct order to submit to said test, the accused has refused to obey the lawful order of a superior officer, a violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, which provides in pertinent part:

"Members shall promptly obey all lawful orders of superiors ...."

WHEREAS, on May 8, 1986, Frank M. Jordan, Chief of Police, made and served Amendment to Amended Charges with the addition as follows:

CHARGE NO. 5

Engaging in conduct which subverts the good order, efficiency and discipline of the Department and which casts discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Johnnie Flannigan, Star Number 207 (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to the Golden Gate Division, Mission District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On April 26, 1986, at or about 0245 hours, the accused, while off duty and driving a 1978 Oldsmobile automobile, was observed to be driving said automobile in an erratic fashion and was arrested at or near 3218 - 21st Street, (near the intersection with Mission Street), in the City and County of San Francisco, State of California;

(4) The accused was transported to Central Emergency Hospital where a urine sample was collected for analysis, which analysis determined that the accused's blood contained .23% alcohol by weight;

(5) California Vehicle Code Section 23152(a) makes it a misdemeanor to operate a motor vehicle on the public roads of the State of California while under the influence of alcohol and California Vehicle Code Section 23152(b) makes it a misdemeanor to operate a motor vehicle on the public roads of the State of California with more than .10% blood alcohol by weight;

(6) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by driving a vehicle on the highways of the State of California in a condition which would constitute a violation of Vehicle Code Section 23152(a) and (b), not only failed to prevent crime, but actually engaged in conduct of a criminal nature which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

(7) Label (15)(sic) As a member of the Department charged with enforcing the penal laws of the United States, the State of California and the City and County of San Francisco, the accused, by driving a motor vehicle on the public roads of the State of California in a physical condition which would constitute a violation of Vehicle Code Section 23152(a) and (b), has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, May 8, 1986, and on Thursday, May 8, 1986, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Charge No. 1, violation of Rule A-11 of General Order D-1 of the San Francisco Police Department; Charge No. 2, violation of Rule A-2 of General Order D-1 of the San Francisco Police Department; Charge No. 3, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department; Charge No. 4, violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, and Charge No. 5, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are all sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Charge No. 1
Charge No. 2
Charge No. 3
Charge No. 4
Charge No. 5

Penalty

1. Termination to be held in abeyance for two years.

2. 180 days suspension, 90 calendar days of which will commence Friday, May 9, 1986 at 0001 hours and ending Wednesday, August 6, 1986 at 2400 hours. The remaining 90 days will be held in abeyance, provided he completes a Residential Treatment Program, along with good conduct, for the first year.

3. The Commission hereby orders that he be evaluated by the Police Department, the Police Physician and the Chief of Police on a quarterly basis. Said evaluation reports shall be recorded in Officer Flannigan's personnel files and copy forwarded to the Secretary of the Police Commission in order to assist the Commission's task of monitoring his progress.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

Recesses taken during the hearing of Officer Flannigan:

6:30 p.m. to 6:37 p.m.
7:35 p.m. to 7:42 p.m.
8:01 p.m. to 8:12 p.m.

(The entire proceedings were taken in shorthand form by David Davenport, CSR.)

The meeting was thereafter adjourned at 8:16 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

MINUTES

MAY 15, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, May 15, 1986 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

Commissioner Sanchez presiding.

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1. Attorney-Client Conference

MAY 15, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 15, 1986 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 490-86

MICHAEL GWIN vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that judgment made for settlement of litigation of Michael Gwin vs. City and County of San Francisco, et al in the sum of $9,500.00 in Superior Court No. 794-671 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1982

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 500-86

PAIGE NORRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paige Norris in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 501-86

ABC TOWING (GLADYS JAMES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gladys James) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 502-86

ABC TOWING (TOM PENDERGAST)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Tom Pendergast) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 503-86

ABC TOWING (SANDRA MARTIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Sandra Martin) in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 504-86

BRIAN K. DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian K. Davis in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 11, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 505-86

PETER N. ZACHARY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter N. Zachary in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 506-86

ROY A. YACKULIC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roy A. Yackulic in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 507-86

ROBERT LINTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Linton in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 508-86

ABC TOWING (ROGER BOAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Roger Boas) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 509-86

ABC TOWING (JANICE HOUSTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Janice Houston) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 510-86

ABC TOWING (SCOTT DAVIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Scott Davis) in the sum of $63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 511-86

ABC TOWING (TONY WATSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Tony Watson) in the sum of $60.15 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 512-86

SOLEIMANI AMIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Soleimani Amir in the sum of $56.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 513-86

CHARLES E. FOWLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles E. Fowler in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1986

AYES: Commissioner Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 514-86

CONRAD HUNT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Conrad Hunt in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 6, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 515-86

CONSUELO T. AVILA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Consuelo T. Avila in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 516-86

ABC TOWING (KATHRYN HORTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kathryn Horton) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 517-86

WILLIAM MONENSCHEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Monenschein in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 518-86

MELANIE LOX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melanie Lox in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 519-86

CYNTHIA LEE HAYASHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Lee Hayashi in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 15, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 520-86

CONRAD F. GRASS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Conrad F. Grass in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 521-86

DYAN DREISBACH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dyan Dreisbach in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 522-86

BRUNO PUSTELNIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruno Pustelnik in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 523-86

EVAN W. THOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evan W. Thomas in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 11, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 524-86

RUBY STEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruby Stein in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 525-86

OSCAR SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Oscar Smith in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 526-86

DOMINIQUE M. SCHOLL AND JAMES A. SCHOLL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dominique M. Scholl and James A. Scholl in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 527-86

JOHN LAWRENCE SAN JOSE, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Lawrence San Jose, Jr. in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: On or about 02/28-86 - 03/01-86

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 528-86

ROBERT D. OSMUN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert D. Osmun in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 529-86

GALE WRAUSMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gale Wrausmann in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF THE MEETING OF APRIL 10, 1986

The minutes of the meeting of April 10, 1986 were approved, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioners Sanchez said that the Police Commission met in Closed Session under the Brown Act this afternoon pertaining to Attorney Client Conference matters and no vote was taken. He said he just wished to state that he and Chief Jordan had an opportunity, along with the men and women of the Department, to participate in the 63rd School Safety Patrol Parade out at the Polo Fields in Golden Gate Park. He said there were 2,000 youngsters, ranging in size from 3' to 6', who paraded and went through a formal review and were given awards for their services. He said it has been 63 years since the inception of this Safety Program and there has not been a major fatality or injury involving a location where the School Safety Guards are deployed. He said it was a very impressive ceremony and the youngsters, school administrators and our Traffic personnel who participated in this program did a fantastic job. He said, so, on behalf of the Commission, he would extend his thanks to all of the young people, their schools, their Administrators and our Department personnel for a job well done.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said the only item he had tonight, which is also a very pleasant one, is the swearing in of four new appointees, three Sergeants and one Assistant Inspector. He then introduced them: Inspector Manuel Barretta, promotion to dual rank of Sergeant/Inspector; Sergeant Maureen Gallagher, promotion to the dual rank of Sergeant/Assistant Inspector; Police Officer Don Pencik, promotion to Sergeant; Police Officer Gregory Lynch, promotion to Sergeant. He said he would like to congratulate all of the appointees and tell them he was very proud to have them move up in rank.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE OFFICE OF CITIZEN COMPLAINTS INVESTIGATIVE HEARING RULES

Commissioner Sanchez said there has been a request by the City Attorney and the OCC, in order for them to clarify some issues on the subject, to hold it over for one week. Commissioner Nelder said he would move for a one week continuance. It was seconded and unanimously approved for a one week continuance.

SETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL CLEARY, CENTRAL STATION

RESOLUTION NO. 491-86

WHEREAS, the date for the setting of the hearing of the appeal of the Chief's suspension of Police Officer Michael Cleary, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the appeal of the Chief's suspension of Police Office Michael Cleary be set for July 10, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Michael Cleary be set for Thursday, July 10, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

SETTING OF DATE FOR HEARING OF POLICE OFFICER TERRY GREGORY, CENTRAL STATION

RESOLUTION NO. 492-86

WHEREAS, the date for the setting of the hearing of the appeal of the Chief's suspension of Police Officer Terry Gregory, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the appeal of the Chief's suspension of Police Office Terry Gregory be set for July 10, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Terry Gregory be set for Thursday, July 10, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER RICHARD D. TONG, PATROL BUREAU TASK FORCE

RESOLUTION NO. 493-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Richard D. Tong, Patrol Bureau Task Force, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to provide name, star number and assignment when requested by a citizen (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Richard D. Tong, Patrol Bureau Task Force, is set for Thursday, May 22, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MICHAEL J. NILAND, INGLESIDE STATION

RESOLUTION NO. 494-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael J. Niland, Ingleside Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Michael J. Niland, Ingleside Station, is set for Thursday, May 22, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPEAL OF THE CHIEF'S SUSPENSION OF SGT. FRANCIS P. WILLIAMS, RICHMOND STATION

RESOLUTION NO. 496-86

WHEREAS, the date set for the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Wlliams, Richmond Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be continued to June 5, 1986; therefore be it

RESOLVED, that the date for the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, is set for Thursday, June 5, 1986 at 1630 hours in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

AUTHORIZATION OF ACCEPTANCE OF A GIFT OF $8,402.03 FROM THE ESTATE OF IRENE HOWE

RESOLUTION NO. 489-86

WHEREAS, the late Irene Howe left to the San Francisco Police Department as an unrestricted gift a sum of money which has become $8,402.03; and

WHEREAS, this amount exceeds the $5,000 limit on gifts which the Police Commission may accept for the Department under Administrative Code Section 10.116, and

WHEREAS, a gift over $5,000 must be accepted by resolution of the Board of Supervisors; therefore be it

RESOLVED, that the Police Commission requests the Board of Supervisors to adopt the attached resolution authorizing the Chief of Police to accept, for use by the Police Department, the gift of $8,402.03 from Irene Howe.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A SIGHTSEEING BUS BY YOSSEDEK M. DESTA - APPROVED

Commissioner Sanchez said this item was to be concluded at tonight's meeting. He said we now have materials that have been forwarded to the Commission pertaining to this matter and would like to have a recommendation from the Department.

Lieutenant Gregory Winters from the Permit Section said the additional materials submitted since the Permit Section's original Staff Report has not led them to change their recommendations and conclusions. He said the Finding of Public Convenience and Necessity rest with the Commission. He said Mr. Desta's Vehicle is registerable within the State of California and basic safety requirements are met. He said Mr. Desta has stated that he will be able to obtain sufficient insurance to provide adequate coverage. He continued by saying Mr. Desta's routes are subject to approval of the Board of Supervisors once the Commission has acted in issuing the certificate. He said Mr. Desta is qualified to operate and currently holds a taxicab driver's permit.

Commissioner Davis said he felt that this request by Mr. Desta represents a novelty service and inasmuch as he has done an awful lot of work on it, and in his opinion has proven Public Convenience and Necessity, he would recommend that the Commission take the first step and move it along and see if Mr. Desta's proposed routes can get past the next hurdle. After further discussion, the Commission adopted the following resolution:

RESOLUTION NO. 498-86

WHEREAS, this matter came on for hearing before the Police Commission on May 15, 1986; and

WHEREAS, this matter came on for hearing before the Police Commission on March 13, April 3, April 17, May 1, May 8 and May 15, 1986; and

WHEREAS, various persons testified on behalf of the applicant Yossedek M. Desta; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, May 15, 1986, based on the record received at the hearings, that clear and convincing evidence supported the issuance of a Sightseeing Bus Permit to applicant Yossedek M. Desta; therefore be it

RESOLVED, that the Police Commission grants to Yossedek M. Desta a Sightseeing Bus Permit, with the proviso that it shall be final upon approval of the designated route for its operation by the Board of Supervisors.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RE-HEARING ON AMENDED COMPLAINT BY THE CHIEF OF POLICE FOR THE REVOCATION OF LIMOUSINE PERMIT #L47 HELD BY MR. JOHN THOMAS

Mr. Alfred Arnaud, Attorney for Mr. Thomas, said that Mr. Thomas is present in the Hearing Room this evening.

Lieutenant Gregory Winters said at this time, due to several factors, the Police Department will recommend to the Commission a disposition of this matter and that is primarily because of the unavailability of a witness from Monterey County. That witness is a Monterey County Probation Officer whose superiors will not allow him to honor the Commission Subpoena and deprives the Department of the central witness to this case. He said Mr. Thomas' Attorney and himself have discussed what appears to be in the best interest of his client and the Department's regulation of the industry in this case. He said the Department is recommending that Mr. Thomas plead no contest and accept a severely conditioned probation, which in essence would be to the best interest of all. After further discussion Commissioner Nelder, having posed a number of questions to the Lieutenant, asked that the matter be put over for one week. It was seconded by Commissioner Davis and unanimously approved.

REQUEST OF WILLIAM TALMADGE FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF HIS JITNEY BUS PERMIT FROM 12 PASSENGERS TO 15 PASSENGERS INCLUDING THE DRIVER - APPROVED

RESOLUTION NO. 499-86

WHEREAS, William Talmadge requested, by letter, a hearing before the Police Commission for permission to increase his authorized passenger capacity from twelve (12) passengers to fifteen (15) passengers including the driver; and

WHEREAS, the Police Commission after hearing a favorable report from the Chief of Police regarding William Talmadge's capability of increasing his passenger capacity and of having purchased the appropriate vehicle and amount of insurance to cover such increase, approves Mr. Talmadge's request; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of William Talmadge for permission to increase the authorized passenger capacity of his Jitney Bus permit from twelve (12) passengers to fifteen (15) passengers including the driver, be and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF POLICE OFFICER AARON O. BARNES, CENTRAL STATION (CONTINUED FROM MEETING OF MAY 1, 1986

The hearing of Police Officer Aaron O. Barnes, Central Station, was called it having been continued from the meeting of May 1, 1986.

Police Officer Aaron O. Barnes appeared in person and was represented by Mr. Byron F. Wong, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Ms Raygena Harper, 27 Alhambra, Apartment 201, San Francisco, California
Ms Ruth Chantry, 601 California Street, San Francisco, CA
Ms Araceli Matus, Office of Citizen Complaints

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Statement by Mr. James P. Cline Re: Police Officer A. Barnes Pooper Scooper Incident

Exhibit #2 Ordinance No. 420-78 approved 09/08/78 amending San Francisco Municipal Code (Health Code), Section 40

Exhibit #3 Department Special Order No. 84-26 dated 06/28/84, Subject: Procedures for Dog Complaints

Exhibit #4 Information Bulletin No. 78-105 dated 11/01/78, Subject: Dog Nuisance Ordinance

The following named witnesses appeared for the Defense, were sworn and testified:

Police Officer Kevin Dillon, Company A
Police Officer Aaron Barnes, Company A

The following exhibits were entered into evidence by the Defense:

Exhibit A Transcript of Initial Interview of Ms Raygena Harper by O.C.C. 09/19/85

Exhibit B Reporter's Transcript of Officer Aaron Barnes Hearing of 05/01/86

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 and Specification No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1, Officer Aaron Barnes be suspended for 15 days. For Specification No. 2, he is to be suspended for 60 days, 30 days to be imposed and 30 days to be held in abeyance for one year provided he completes 100 hours serving the "Lighthouse for the Blind" with a written apology to the complainant and be transferred from Company A.

After listening to testimony from the above parties, the meeting was adjourned at 10:00 p.m. and the matter was continued to Thursday, June 5, 1986 at 4:30 p.m. in Room 551, Hall of Justice. A medical report from Officer Barnes' doctor relating to the Officer's health at that time, is to be submitted.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

The meeting was thereafter adjourned at 10:00 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

SF
P45
#2
5/22/86

Minutes

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MAY 22, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, May 22, 1986 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

Commissioner Sanchez presiding.

1. Attorney-Client Conference

MAY 22, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, May 22, 1986, at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 537-86

ALEJANDRO F. MUNOZ vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of litigation of Alejandro F. Munoz vs. City and County of San Francisco in the sum of $146.00 (total) in Small Claims Court No. 449-928 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: October 3, 1985

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 538-86

JOHNIE WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Johnie Williams in the sum of $1,500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 10, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 539-86

MICHAEL R. BERNAUER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael R. Bernauer in the sum of $520.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: 1980 to the Present

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 540-86

WALTER TRESKO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walter Tresko in the sum of $120.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 31, 1985

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 541-86

KEVIN SIMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Sims in the sum of $95.85 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: November 23, 1985

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 542-86

TOM T. HOSHIYAMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom T. Hoshiyama in the sum of $99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 543-86

WILLIAM L. RICHARDS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William L. Richards in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 544-86

SPIROS GREKOUSIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Spiros Grekousis in the sum of $87.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 21, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 545-86

CLIFFORD R. ORTIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clifford R. Ortiz in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 546-86

BETH A. NOFERI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beth A. Noferi in the sum of $67.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 547-86

ABC TOWING (JACKIE ORTIZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Jackie Ortiz) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 18, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 548-86

ABC TOWING (DIANA LAWS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Diana Laws) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 549-86

ABC TOWING (GREGOIRE GALLIPEALL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gregoire Gallipeall) in the sum of $63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 550-86

ABC TOWING (CHRIS SULLIVAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Chris Sullivan) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 19, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 551-86

ABC TOWING (ROTEA GILFORD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Rotea Gilford) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 552-86

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 553-86

FRANK VITERI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Viteri in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 554-86

SCOTT TONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Tong in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 21, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 555-86

STEPHEN TOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Tom in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 556-86

MARY JO TANIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Jo Tanis in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 557-86

WALTER W. SHERVINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walter W. Shervington in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 558-86

JAMES M. POTTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James M. Potts in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 559-86

ALFREDO PENATE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfredo Penate in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 560-86

PAULA PAGANO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paula Pagano in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 561-86

GENE O'CONNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gene O'Connell in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 562-86

ANDREA HOFFMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrea Hoffman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 563-86

GERALDINE HARAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Geraldine Haran in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 564-86

DANIEL J. DOWD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel J. Dowd in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: On or about March 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 565-86

NATHANIEL DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nathaniel Davis in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 18, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 566-86

CRAIG COULTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Craig Coulter in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 30, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 567-86

BARBARA CLAMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Claman in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 568-86

EDWARD F. CICERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward F. Cicero in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 569-86

ROBERT D. CARLSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert D. Carlson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 570-86

KEVIN BAILEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Bailey in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 20, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 571-86

ABC TOWING (RUTH HUMZAZI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ruth Humzazi) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RESOLUTION NO. 572-86

DIANE J. LIPKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane J. Lipka in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1986

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

APPROVAL OF THE MINUTES OF MEETING OF APRIL 17, 1986

The minutes of the meeting of April 17, 1986 were approved, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Nelder said that during the course of a personnel hearing last week in the Commission Hearing Room, the Officer on trial became very ill as he appeared to have a serious problem in breathing. He said there was quite an effort taken in attempting to get some assistance. Officer Dan Linehan was dispatched up to the County Jail to see if one of their Paramedics would respond to assist. To our dismay our request was denied, he said, and it seems that just out of the interest to the welfare of humanity that at least one of them could have come down and taken a look as to see whether or not some type of medication or application of some kind of physical effort could have been made to revive the Officer or give some direction in aid and comfort.

Chief Jordan said the Commissioner's points were well taken and that this was the Officer Aaron Barnes case where the Paramedics were called from the City Prison and they stated that their responsibility is upstairs in the City Prison and in the Courts. He said they are paid by the Public Health Department and they are assigned to work in the Forensic Services Division. He continued by saying that there are two Paramedics in the Men's Section and one in the Women's Section. He said the only reason that two Paramedics did eventually respond was that they were out having lunch and when they came through the front door, they were advised of our difficulty and did come in just to observe what was happening just prior to the ambulance showing up. He said he will be happy to send a letter, not to Sheriff Michael Hennessy, but to the Public Health Department explaining exactly what happened here last week and request that in case of future incidents of this nature, if they could come down and at least evaluate the situation prior to an ambulance arriving. Chief Jordan said also, the Officer at this time has been released from the Hospital and is coming along fine.

Commissioner Nelder said, on another subject occuring last night, the Awards Presentations were held upstairs in the 6th floor Auditorium in a pilot type program with himself and the Chief in attendance. He said the Officers who won awards were all there with their families, and from his own perspective and after conferring with the Chief, came away feeling that the pilot program was excellent and are looking forward to the future. He said everyone was able to be seated and generally when the meetings are held in the Hearing Room, half of the families and officers are outside the door. He said he felt it was a real improvement and he felt that the honorees were more singularly recognized, and it was just a fine night.

Chief Jordan concurred and said that he had very good feedback from the Officers and their families too, that there was more of a high profile, and it gave them more esteem and recognition. He said it was a ceremony that he felt would not only highlight their achievements better but give them the feeling that the Department really sees them as role models and want them to be exhibited out there as such in terms of high visibility.

Commissioner Sanchez said perhaps the Commission could thank the Staff who basically undertook this mission, and evidently it worked out quite well. He said the Commission would also like to thank the SFPOA who contributed for the refreshments and others who participated in this because it was a very special event.

Chief Jordan said that this is all being done and his Staff are sending out letters of appreciation to all involved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said the only report he had for the Commissioners was on the whole issue of Paramedics which was just discussed. He said he had nothing further to report.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE OFFICE OF CITIZEN COMPLAINTS INVESTIGATIVE HEARING RULES

Commissioner Nelder said this is a matter for the entire Commission to participate in as all expressed an interest so, therefore, he would suggest tonight that the matter be continued at a date that is agreeable to all parties concerned.

Mr. John Crew of the ACLU said he would request that it be put over for two weeks as he has to be out of town next week, and he had some serious concerns on behalf of the ACLU that he would like to share. Commissioner Nelder said he would make a motion for the matter to be continued for two weeks. Commissioner Davis seconded the motion and it was unanimously approved for a two week continuance.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION EXERCISE THE EMERGENCY AUTHORITY GRANTED PURSUANT TO TRAFFIC CODE 12 AND 34(c) AND ADOPT TEMPORARY TURNING AND TRAFFIC RESTRICTIONS DURING THE WEEKEND EVENING AND MORNING HOURS IN THE BROADWAY AREA AS SET FORTH IN THE ATTACHED RESOLUTION

Lieutenant John Newlin addressed the Commission on this subject and said that basically what the Department is trying to do is combat the high volume of cruising and parading of vehicles in the Broadway area. He said it is a serious problem confronting the Department as it brings all traffic in the neighborhood to a standstill and does not allow egress or ingress by emergency vehicles of any type and has a massive negative impact on the community. He said the Department feels by selectively enforcing these temporary turning restrictions, the Department will be able to discourage the practice of going up and down the street several times during the night by out-of-town visitors.

He said he has a representative from the community who desires to speak: Ms Marsha Garland, President of the Police Community Relations in the Central District, who then, on behalf of that area, addressed the Commission. She said the people in the community would go along with this measure being temporary because it would impose restrictions on them as well, and they understand that this is a temporary resolution but it will alleviate the very serious problem. She said she felt that six months of this restriction would solve the problem. Commissioner Nelder said he felt that it should be implemented and he made a motion to approve. Commissioner Davis seconded and it was unanimously approved.

RESOLUTION NO. 487-86

TEMPORARY ADOPTION OF TURNING AND STOPPING RESTRICTIONS TO ALLEVIATE SEVERE WEEKEND TRAFFIC CONGESTION IN THE BROADWAY AREA

WHEREAS, a serious traffic congestion exists on weekend evenings and mornings in the Broadway area because of continually parading vehicles; and

WHEREAS, as a result of traffic congestion, emergency vehicles cannot proceed rapidly to calls for assistance; and

WHEREAS, public safety will be enhanced and traffic congestion will be alleviated only if corrective measures are instituted; therefore be it

RESOLVED, that by the authority granted to The Police Commission pursuant to Municipal Traffic Code 12 and 34(c), the following temporary emergency prohibitions and restrictions are hereby instituted and shall become effective upon the Department of Public Works posting of appropriate signs giving notice of such prohibitions and restrictions and shall remain in effect until November 30, 1986:

1. Left-hand turns shall be prohibited during the hours of 9:00 P.M. on Friday and 4:00 A.M. on the following Saturday and during the hours of 9:00 P.M. on Saturday and 4:00 A.M. on the following Sunday at the locations below:

   A. Eastbound onto Broadway Street from Powell Street

   B. From Montgomery Street onto Broadway Street

   C. Eastbound from Broadway Street at Sansome Street

   D. Eastbound and westbound from Broadway Street at Montgomery Streets

2. Right-hand turns shall be prohibited during the hours of 9:00 P.M. and Friday and 4:00 A.M. on the following Saturday and during the hours of 9:00 P.M. on Saturday and 4:00 A.M. on the following Sunday at the location below:

   A. Southbound from Battery Street onto Broadway Street

3. No traffic, except for emergency vehicles, shall be permitted on Broadway Street between Battery and Front Streets during the hours of 9:00 P.M. on Friday and 4:00 A.M. on the following Saturday and during the hours of 9:00 p.m. on Saturday and 4:00 a.m. on the following Sunday.

4. The Coit Tower parking area atop Telegraph Hill shall be designated as a no parking from 10:00 P.M. to 6:00 A.M. Monday through Saturday, except for vehicles displaying Area "A" residential parking permits.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Owens, Giraudo

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REQUEST THE BOARD OF SUPERVISORS TO AMEND ARTICLE 9 OF THE TRAFFIC CODE REGARDING TOWING OF VEHICLES

Lieutenant John Newlin also addressed the Commission on this item and said it is simply a housekeeping measure and that there is adequate language in both the Administrative Code and the City Charter to deal with the provisions that dictate to the City Purchaser how to administrate tow contracts. He said the Department would like to remove all of this as being redundant and allow more of a straight forward less confusing approach to the Traffic Code and, of course, to the issuance of tow contracts.

Commissioner Sanchez said the Commission has just this afternoon received this material, and it discussed deleting certain sections of the Code. He said he was inclined to suggest that it be held over for one week, but if it requires that action must be taken today, he would request an explanation of what would be deleted.

Lieutenant Newlin said he did have the sections to be deleted with him. He said this amendment to the Code was requested by the Purchaser of Supplies who desired that it be expedited as it would facilitate the resolution of a lot of the Department's time problems. He then quickly read off the sections, their titles, and explained why they were being deleted. After his presentation, he said the whole matter had been reviewed by the Legal Office and the actual final draft was prepared by the City Attorney.

Commissioner Nelder said he would move approval of this measure. It was seconded by Commissioner Davis and unanimously approved.

RESOLUTION NO. 488-86

AMENDMENTS TO TRAFFIC CODE REGARDING TOWING OF VEHICLES

WHEREAS, the language of several sections of Article 9 of Part II, Chapter XI, of the San Francisco Municipal Code (Traffic Code) does not reflect the current practice regarding towing vehicles in the City and County of San Francisco; and

WHEREAS, neither The Police Commission nor the Purchaser of Supplies continues to designate "offical garage" or "zones" with respect to the removal of vehicles from the City streets; and

WHEREAS, the procedure for entering into a contract with one or more companies for the removal of vehicles is adequately provided for in the Charter and Administrative Code; and

WHEREAS, it is advisable that the language of the Traffic Code reflect the actual practice of the City with respect to towing vehicles; therefore be it

RESOLVED, that The Police Commission of the City and County of San Francisco requests the Board of Supervisors to amend Article 9 of the Traffic Code to remove obsolete and unnecessary sections and to amend other sections to conform with current practices as reflected in the language of the attached proposed ordinance.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Owens, Giraudo

APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER WILLIAM M. BRAY, SOUTHERN STATION

RESOLUTION NO. 530-86

WHEREAS, a letter was received from Officer William M. Bray, Southern Station, requesting an appeal hearing before the Commission on his suspension imposed by the Chief of Police; therefore be it

RESOLVED, that the date for the hearing on the appeal of Officer William M. Bray, Southern Station, is set for Thursday, June 12, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

NOTIFICATION AND FILING OF CHARGES AGAINST LIEUTENANT FERNANDO F. GAMEZ, CRIMINAL INFORMATION DIVISION/IDENTIFICATION SECTION

RESOLUTION NO. 495-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Lieutenant Fernando F. Gamez, Criminal Information Division - Identification Section, as follows:

SPECIFICATION NO. 1

Failure to prevent crime (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Lieutenant Fernando F. Gamez is set for Thursday, May 29, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

SETTING OF DATE FOR HEARING OF POLICE OFFICER RICHARD D. TONG, PATROL BUREAU TASK FORCE

RESOLUTION NO. 535-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Richard D. Tong, Patrol Bureau Task Force, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Richard D. Tong be set for June 26, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Richard D. Tong is set for July 31, 1986 at 5:30 p.m. in Room 551, Hall of Justice, as the meeting of June 26, 1986 has been cancelled.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

SETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL J. NILAND, INGLESIDE STATION

RESOLUTION NO. 536-86

WHEREAS, the date for the setting of the hearing of disciplinary charges filed against Police Officer Michael J. Niland, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Michael J. Niland be set for June 26, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Michael J. Niland is set for July 31, 1986 at 5:30 p.m. in Room 551, Hall of Justice, as the meeting of June 26, 1986 has been cancelled.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

HEARING OF POLICE OFFICER MARIO F. CEBALLOS, TARAVAL STATION

RESOLUTION NO. 533-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Mario F. Ceballos, Taraval Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Mario F. Ceballos be continued to June 12, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Mario F. Ceballos, Taraval Station, is set for Thursday, June 12, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

HEARING OF POLICE OFFICER MARK S. PORTO, CENTRAL STATION

RESOLUTION NO. 534-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Mark S. Porto, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Mark S. Porto be continued to June 12, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer MarK S. Porto, Central Station, is set for Thursday, June 12, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

HEARING OF POLICE OFFICER RICHARD P. WALLETT, TRAFFIC DIVISION

RESOLUTION NO. 532-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Richard P. Wallett, Traffic Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Richard P. Wallet be continued to June 12, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Richard P. Wallett, Traffic Division, is set for Thursday, June 12, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

RE-HEARING ON AMENDED COMPLAINT BY THE CHIEF OF POLICE FOR THE REVOCATION OF LIMOUSINE PERMIT #L47 HELD BY JOHN D. THOMAS (CONTINUED FROM MEETING OF MAY 15, 1986)

Lieutenant Gregory Winters addressed the Commission on this item in the presence of Mr. John Thomas and his attorney, Mr. Alfred Arnaud. Lieutenant Winters advised that he had submitted a packet of documents to the Commission at the request of Commissioner Nelder. He said it sets out the reasons for the Department's request to withdraw the amended complaint and a recommendation for disposition.

After much discussion on the recommended proposals and restrictions placed upon the permittee, the Commission adopted the following resolution:

RESOLUTION NO. 531-86

WHEREAS, this matter was set for hearing before the Police Commission on May 22, 1986; and

WHEREAS, the revocation of John Thomas' permit came on for hearing before the Police Commission on August 29, 1985, with Thomas absent, and by a vote of four "Ayes" (Commissioners Nelder, Daly, Hsieh and Toler) and none opposed, Resolution No. 980-85 was adopted revoking the permit on the sole ground of failure to make the filing required by Municipal Police Code 1081; and

WHEREAS, a petition for re-hearing of the revocation of this permit was accepted by the Police Commission and hearing on the matter set for September 19, 1985. At that meeting of the Commission Thomas did not personally appear but was represented by Mr. Roni Rotholz, Attorney at Law. The Commission, refusing to reconsider its action without Thomas present continued the matter, and

WHEREAS, a series of continuances ensued through the remainder of 1985 and into 1986 when on April 22, 1986, an Amended Complaint prepared by the Permit Section was submitted to the Commission alleging further grounds for revocation based upon statements reportedly made to a Monterey County Probation Officer by John Thomas reflecting sale of his limousine permit, reported drug smuggling and assault convictions and reported substance abuse by John Thomas, and

WHEREAS, a Police Commission Subpoena Duces Tecum was prepared and served on John Thomas' former Probation Officer commanding his appearance with Thomas' probation file at the hearing set for May 15, 1986, but it was learned that the Monterey County Probation Department had instructed the witness sought to disregard our subpoena, and

WHEREAS, the absence of the Probation Officer witness in the case for revocation of John Thomas' permit is insufficient to provide grounds for revocation by the Police Commission; and

WHEREAS, based upon the Police Department's present inability to prove its allegations and hereby withdraws its Amended Complaint; therefore be it

RESOLVED, that the Police Commission does hereby rescind its Resolution No. 980-85 and issues the penalty for Mr. John Thomas recommended by the Chief of Police as follows:

a. That the Limousine Permit #L47 is hereby revoked but the revocation is suspended for three years on the following conditions:

1. That the Permittee immediately provide a current and correct address and telephone number and notify the Permit Section in writing, within 10 days, of any new address or phone number;

2. That the Permittee strictly comply with all statutes, ordinances and regulations applicable to his permit, including but not limited to, the filing requirements of Municipal Police Code Section 1081;

3. That the Permittee waive his right to a hearing during this three year period and, that any action to revoke his permit during that time would be valid solely on notice from the Police Commission, without further hearing; and

4. That the Permittee execute in writing agreeing to the terms and conditions of this probation.

AYES: Commissioners Davis, Nelder, Sanchez
ABSENT: Commissioners Giraudo, Owens

The meeting was thereafter adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

[MINUTES]

MAY 29, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, May 29, 1986 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Davis, Giraudo, Nelder Owens, Sanchez

Commissioner Sanchez presiding.

1. Attorney-Client Conference

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MAY 29, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 29, 1986 in a Regular Meeting.

PRESENT: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 574-86

ABC TOWING (SCOTT FRANCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Scott France) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 575-86

ABC TOWING (JAMES HERNANDEZ II)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (James Hernandez II) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 5, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 576-86

ABC TOWING (HORACE TOOKES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Horace Tookes) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 577-86

ABC TOWING (ALICE LINN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Alice Linn) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1985 (Hearing Date March 31, 1986)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 578-86

ABC TOWING (RAYMOND SANTE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Raymond Sante) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 579-86

KENNETH SHIOKARI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Shiokari in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1985

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 580-86

ABC TOWING (LOUISE VAUGHN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Louise Vaughn) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 581-86

HEINZ HOFMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heinz Hofmann in the sum of $69.96 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 582-86

ABC TOWING (LARRY KELLY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Larry Kelly) in the sum of $63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 583-86

ABC TOWING (SHANNON D. KEHRER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Shannon D. Kehrer) in the sum of $63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 584-86

AASE C. ASKVIG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aase C. Askvig in the sum of $60.15 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 585-86

ELIZABETH NIEMEYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Niemeyer in the sum of $57.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 586-86

MICHAEL MORENO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Moreno in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 587-86

BOB MIEHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bob Miehe in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 588-86

HORST KAMPSCHULTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Horst Kampschulte in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 589-86

CHARLES POWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Powell in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 590-86

MARY HART THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Hart Thompson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 12, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 591-86

PATRICE PERILLIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrice Perillie in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 592-86

LORRAINE PAYNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorraine Payne in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 593-86

BARBARA L. OLSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara L. Olson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 594-86

DIANE V. HAVLIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane V. Havlir in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 595-86

CYNTHIA CHIBANTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Chibante in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 596-86

ALFRED W. HANSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfred W. Hansen in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 597-86

LEONARD C. FREITAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leonard C. Freitas in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 598-86

PHYLLIS ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phyllis Allen in the sum of $598.86 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 599-86

TIMOTHY SANKARY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Timothy Sankary in the sum of $48.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 600-86

ABC TOWING (EMIL KANGUS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Emil Kangus) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

APPROVAL OF THE MINUTES OF MEETING OF APRIL 24, 1986

The minutes of the meeting of April 24, 1986 were approved, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Police Commission had met in Closed Session this afternoon in an Attorney-Client Conference and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said the only item he had would be just to update the Commission on its previous request from last week instructing him to contact the Department of Public Health in regards to the Aaron Barnes matter where there was no response from City Prison Medics when the Department made the request for emergency medical assistance. He said he has now received a letter from Dr. David Werderger, Director of Public Health, stating that he is looking into the incident that occurred here with Officer Barnes. He said the Director indicated that he sympathized with the Department in this regard and would get back to the Chief once his investigation into the incident has been completed.

SETTING OF DATE FOR HEARING OF POLICE LIEUTENANT FERNANDO F. GAMEZ, CRIMINAL INFORMATION DIVISION, IDENTIFICATION SECTION

RESOLUTION NO. 573-86

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Lieutenant Fernando F. Gamez, Criminal Information Division/Identification Section was called it having been set for this date; and

WHEREAS, it was requested by Mr. Walter Cook, Attorney at Law, representing Lieutenant Fernando Gamez, that the date for the hearing of the disciplinary charges filed against Lieutenant Fernando Gamez be continued to July 17, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Lieutenant Fernando F. Gamez, Criminal Information Division/Identification Section, is set for Thursday, July 17, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

At this time the Commissioners discussed the possibility of not holding meetings for the week of June 26th and July 3rd. It was pointed out that there would not be a quorum for the week of June 26th and Commissioner Davis noted that many persons will

be taking advantage of the long holiday weekend of the 4th of July, and suggested that if there are no pressing items upcoming for the 3rd of July, he would make a motion to cancel the meetings of June 26th and July 3rd. Commissioner Nelder said he would second that motion, and it was unanimously approved.

Commissioner Sanchez said that the Commission has also held a number of other administrative meetings on Tuesdays earlier this year in order to continue with its responsibilities and matters on the Police Commission Calendar. He said if there are materials or matters that are of significant importance and needed action, the Commission could always institute a Special Meeting on another day of either of those weeks, but it would be left up to the Chief and the Lieutenant to bring it to the Commission's attention.

Commissioner Davis was excused at this point.

HEARING OF POLICE OFFICER RICHARD WOO, COMMUNICATIONS DIVISION (CONTINUED FROM MEETING OF MAY 6, 1986)

The hearing of Police Officer Richard Woo, Communications Division, was called it having been continued from the meeting of May 6, 1986.

Police Officer Richard Woo appeared in person and was represented by Mr. William J. Murphy, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witness appeared for the Prosecution, having been previously sworn, resumed the stand:

Officer Robert Swall, Company A

The following exhibits were entered into evidence by the Defense:

Exhibit A	Black and White Photo, Alley Way and man waving
Exhibit B	B/W Photo, Alley Way with street sign Tillman
Exhibit C	B/W Photo, Alley Way displaying shop sign "Books-Charlotte Newbegin"
Exhibit D	B/W Photo, Alley Way Large Neon "FILA"
Exhibit E	B/W Photo, Window Display, Large plant in front
Exhibit F	24 x 24 Sketch
Exhibit G	B/W Photo marked 1(a), photo of trees, garbage cans, motorcycle, front of buildings
Exhibit H	B/W Photo marked 1(b), photo close-up of sidewalk, trees, garbage cans, motorcycle

Exhibit I B/W Photo marked 1(c), photo of sidewalk and street looking uphill

Exhibit J B/W Photo marked 2(a), photo of front of building looking downhill

Exhibit K B/W Photo marked 2(b), photo of side of apt. building with brush covering sign

Exhibit L B/W Photo marked 2(c), photo close up of side of building with brush covering street sign

Exhibit M B/W Photo of truck going uphill in front of apt. building

Exhibit N B/W Photo marked 4, photo of brick stairway leading to building apts.

Exhibit O B/W Photo marked 5, photo of phone seen through open doorway

Exhibit P B/W Photo marked 6, photo of phone, Apts. 1-41

Exhibit Q B/W Photo marked 7, photo of mail boxes with Directory below

Exhibit R B/W Photo marked 8, photo of Name Directory

Exhibit S B/W Photo marked 9, photo displaying brick walkway and pine tree in planter

Exhibit T B/W photo marked 10, photo displaying extended length of stairs

Exhibit U B/W photo marked 11, photo of stairway leading up from concrete benches

Exhibit V B/W photo marked 12, photo of garbage bag and stairs

Exhibit W B/W photo marked 13, photo of man on walkway near stairs

Exhibit X B/W photo marked 14, photo of walkway leading to dwelling

Exhibit Y B/W photo marked 15, photo of 2 Fallon Place

Exhibit Z Patrol Unit Log 09/05/85 and Communications Tape

Exhibit AA B/W Photo of intersection of Kearny and Market Streets

Exhibit BB Training Bulletin, 11/25/83, Investigative Interviews

Exhibit CC 3 Documents, 1. Certificate of Release, 2. Computer Printout, 3. Computer Printout

After listening to testimony from the above parties, the matter was continued to Tuesday, July 22, 1986 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens Sanchez
ABSENT: Commissioner Davis

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

The meeting was adjourned at 2115 hours.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

W/2641M

JUNE 5, 1986 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, June 5, 1986 at 1600 hours in a Special Meeting.

PRESENT: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

Commissioner Sanchez presiding.

1. Attorney-Client Conference

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June 5, 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers Room 551, Hall of Justice, 850 Bryant Street, on Thursday, June 5, 1986 in a Regular Meeting.

PRESENT: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 603-86

LEVIT RUBIO CHAVEZ vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Levit Rubio Chavez in the sum of $16,500.00 in Superior Court No. 823-708 entitled "Levit Rubio Chavez vs. City and County of San Francisco, Billy R. Smith and DOES 1 to 5" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 18, 1983

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 607-86

ALAN BROWN vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Alan Brown in the sum of $5,000.00 in Superior Court No. 807-261 entitled "Alan Brown vs. City and County of San Francisco, Officer John Murphy and Officer Robert Merino, et al" as the result of damages sustained, be, and the same is hereby approved..

Date of Incident: July 2, 1982

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 604-86

ELAINE AND MICHAEL BROUSSARD vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Elaine and Michael Broussard in the sum of $4,000.00 in Superior Court No. 768-434 entitled "Elaine Broussard and Michael Broussard vs. City and County of San Francisco and DOES I through X, inclusive" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 17, 1979

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 605-86

ERICA LENKERT vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Erica Lenkert in the sum of $2,173.00 in Superior Court No. 841-462 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 5, 1985

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 606-86

CALINA LOWE vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Calina Lowe in the sum of $1,000.00 in Municipal Court No. 856-315 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 3, 1983

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 611-86

PAULA RICHARDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paula Richardson in the sum of $350.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 18, 1985

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 612-86

DOROTHA LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorotha Lewis in the sum of $168.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1985

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 613-86

PATRICK S. McKAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick S. McKay in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 614-86

LUGIA G. CUBERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lugia G. Cubero in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 8, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 615-86

MARK HALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Hall in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 616-86

DAVID E. WESSMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David E. Wessman in the sum of $60.15 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: O/a February 24-25, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 617-86

DEAN TREFAULT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dean Trefault in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1986

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

APPROVAL OF THE MINUTES OF MEETING OF MAY 1, 1986

The minutes of the meeting of May 1, 1986 were approved, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Sanchez said the only comment he would like to make under this item is that the Commission and Chief should write a letter thanking all of the schools for their participation in the School Safety Patrol for their outstanding work this past year which ends this week and next week for the Public Schools as there has not been one fatality or one injury where there have been school crossing guards. Perhaps it could be read into the schools where it could also act as a positive reinforcement for many of the youngsters. He continued by saying this has never been done before and he would like to suggest that it be done.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had just one item and that is really just an update regarding the Board of Supervisors who passed, in their first reading, the acceptance of the Narcotics Forfeitures Fund which would be any funds that have been confiscated, or any tangible property where narcotics has been involved will be forwarded back to the Police Department to be used exclusively for law enforcement purposes. He said it could be used in the area of enforcement training, prevention and prosecution dealing with narcotics. He said this is now being followed as to its progress by the Department. He said it passed the Board this past Monday and there will be a final reading on this coming Monday. He said there is currently about $64,000 in that particular fund.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION FOR THE BOARD OF SUPERVISORS TO AMEND SECTIONS 613, 614 AND 615 OF THE MUNICIPAL POLICE CODE RELATING TO DEALERS IN FIREARMS

Chief Jordan said that this item ties together the Alcohol and Firearms Tax Unit at the Federal level with the San Francisco Police Department. He said on many occasions on previous applications for guns, the Federal Government handled it separately from the San Francisco Police Department and the right hand would not know what the left hand was

doing, so what is being done with this amendment is an attempt to tie together some of those loopholes and coordinate all efforts to make sure that all concerned have background and reference information leading to final approval or disapproval.

Commissioner Sanchez said that Commissioner Nelder, who is absent, has shown interest in this item and because he is not present, suggested that it be held over for one week. The matter was therefore continued to Thursday, June 12, 1986.

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS"

Deputy Chief Casey said that this General Order reflects the way the Department is now organized. He said under former Chief Murphy the Department had three Deputy Chiefs who were in charge of different Bureaus and one Deputy Chief who was like an Assistant Chief. He said now, under Chief Jordan, the Department has returned to the traditional system of having a Deputy Chief in charge of each Bureau. He said this General Order now reflects this change. Commissioner Davis moved for approval, it was seconded and unanimously approved.

RESOLUTION NO. 601-86

RESOLVED, that the Police Commission hereby approves revised General Order A-5, "Organizational Structure and Functions".

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE OFFICE OF CITIZEN COMPLAINTS INVESTIGATIVE HEARING RULES (CONTINUED FROM MEETING OF MAY 22, 1986)

Mr. Frank Schober, Director of the Office of Citizen Complaints, said his unit had a number of proposed rule changes for the Commission's consideration for the OCC Hearing Process. He said the changes stem from two basic causes which were one, a desire on the OCC's part to add to the efficiency of the Hearing Process, and two, a change to reflect a recent opinion of the City Attorney who has made recommendations and given the OCC advice on the subject of representation by complainants. He then, with the permission of the Commission, had Mr. Larry Shockey, his assistant, summarize the proposed changes. After Mr. Shockey's presentation, the following speakers came forth and made presentations: Mr. Tom Owens, City Attorney's Office; Mr. Peter Mezey, representing the Bar Association; Mr. John Crew, representing the American Civil Liberties Union; Mr. David Clisham, representing the San Francisco Police Officers' Association and Mr. Randy Shalon. Thereafter, Commissioner Sanchez said the Commission has now heard from interested parties in this matter and that next week the Commission will not have any public discussion on this issue but discuss the matter among themselves in open forum and render a decision at that time. He also invited additional comments in writing from anyone who wished to submit same prior to next week's meeting and said the Commission will also review that material and consider it during the Commission's deliberations.

At this time, Commissioner Sanchez said he would also like to announce that the Commission met this afternoon in Closed Session under the Brown Act in an Attorney-Client Conference and no vote was taken.

APPEAL OF THE CHIEF'S SUSPENSION OF SGT. FRANCIS P. WILLIAMS, RICHMOND STATION

RESOLUTION NO. 602-86

WHEREAS, the date set for the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, was called it having been set for this date; and

WHEREAS, it was requested by Sergeant Francis P. Williams that a date for re-setting the hearing before the Police Commission be scheduled for July 10, 1986; therefore be it

RESOLVED, that the date for the re-setting of the hearing of the appeal of the Chief's suspension of Sergeant Francis P. Williams, Richmond Station, is scheduled for Thursday, July 10, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

HEARING OF POLICE OFFICER AARON O. BARNES, CENTRAL STATION (CONTINUED FROM MEETING OF MAY 15, 1986)

Mr. Michael Gash, Legal Office Attorney, said the Department is in receipt of a letter from Officer Barnes' doctor stating that Officer Barnes would not be able to participate in the proceedings of his case until mid-July. Commissioner Davis then made a motion to set the matter for July 17th. It was seconded and unanimously approved.

RESOLUTION NO. 623-86

WHEREAS, the hearing of Police Officer Aaron O. Barnes, Central Station, was called, it having been continued from the meeting of May 15, 1986; and

WHEREAS, it was requested by Dr. Richard L. Fleming, physician for Officer Aaron O. Barnes, that the date for the hearing before the Police Commission be continued to July 17, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Aaron O. Barnes, Central Station, be continued to Thursday, July 17, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

Mr. Gash then requested at this time he would like to bring up two other disciplinary matters that are not on tonight's agenda. Since, he said, the Commission has chosen to cancel the meeting of June 26th and there is a hearing scheduled for that date for Officers Tong and Niland, he would like to set

another date. He said he has spoken to the Attorneys for both Officers and they both agreed on a July 31st date and will proceed at that time, if it is agreeable with the Commission. The Commission has adopted the necessary resolutions.

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER MICHAEL I. CAPLAN, CENTRAL STATION

The hearing of Police Officer Michael I. Caplan, Central Station, was called it having been set for this date.

Police Officer Michael I. Caplan appeared in person and was represented by Mr. Terence Hallinan, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael E. Gash for the Prosecution.

An opening statement was made by Mr. Terence Hallinan for the Defense.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant John M. Farnham, Company A
Officer Ralph Schoenstein, Crime Laboratory
Lieutenant Michael J. Yalon, Company A

The following exhibits were entered for identification by the Prosecution:

Exhibit #1	One 3 x 4 Color photo of a Mr. Shawn Moore
Exhibit #2	One 3 x 4 Color Photo of a Mr. Shawn Moore
Exhibit #3	One 7 x 5 Color Photo of full body view
Exhibit #4	One 7 x 5 Color photo of front view injury to Moore's face
Exhibit #5	One 7 x 5 Color photo of injury to Moore's face (left side)
Exhibit #6	One 7 x 5 Color photo view of wall area and doorway where incident occurred
Exhibit #7	One 7 x 5 Color photo of blood on wall where Caplan struck Moore
Exhibit #8	Not submitted
Exhibit #9	One 7 x 5 Color photo of injury to Caplan's right hand

The following named witness appeared for the Defense, was sworn and testified:

Mrs. Sherrill Yount, 135 Polk Street, San Francisco, CA

After listening to testimony from the above parties, the matter was continued to Thursday, June 12, 1986 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

The meeting was thereafter adjourned at 8:15 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

12 JUNE 1986 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, June 12, 1986 at 1700 hours in a Closed Session.

PRESENT: Commissioners Owens, Davis, Giraudo, Nelder, Sanchez

Commissioner David J. Sanchez, presiding.

1. Attorney-Client Conference

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12 JUNE 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, June 12, 1986 at 1730 hours.

PRESENT: Commissioners Owens, Davis, Giraudo, Nelder, Sanchez

APPROVAL OF MINUTES OF MEETING OF JUNE 5, 1986

Approval of Minutes of the Meeting of June 5, 1986, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 622-86

GEORGE READER vs. CITY AND COUNTY OF SAN FRANCISCO,

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of George Reader in the amount of $72,500.00 in Superior Court No. 791-718 entitled "George Reader vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 30, 1981

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 627-86

TERESITA B. BADUA-LARSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teresita B. Badua-Larsen in the sum of $100.05 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 628-86

CRISPIN ALSTERLIND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Crispin Alsterlind in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 629-86

ABC TOWING (JOHN L. NOWLIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (John L. Nowlin) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1985 (Hearing Date April 14, 1986)

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 630-86

ABC TOWING (CLARENCE VISOR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Clarence Visor) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 631-86

ABC TOWING (KENNETH LEWIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kenneth Lewis) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 632-86

ABC TOWING (RICHARD MATYSIK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Richard Matysik) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 633-86

ABC TOWING (TROY M. RIVERS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Troy M. Rivers) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 634-86

ABC TOWING (THELMA R. REMBERT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Thelma R. Rembert) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 635-86

ABC TOWING (CHESTER P. JOHNSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Chester P. Johnson) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 636-86

MARVIN BECKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marvin Becker in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 637-86

MARIA LUISA MARQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Luisa Marquez in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 638-86

WILLIAM WALLIS COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Wallis Collins in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 639-86

WADE H. MYERS, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wade H. Myers, Jr. in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 640-86

ROBERT WALKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Walker in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 641-86

ALAN MENKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Menker in the sum of $70.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 642-86

CHRIS CLARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Clark in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 643-86

EDWARD M. DOHERTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward M. Doherty in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 3, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 644-86

LYLE SKOLL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lyle Skoll in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 645-86

ABC TOWING (ROGER BOAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Roger Boas) in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 646-86

MARGARITA PADILLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margarita Padilla in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 15, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 647-86

MATTHEW HORRIGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matthew Horrigan in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 648-86

KIMBERLY S. DENNY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kimberly S. Denny in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 29, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 649-86

EVELYN JULIA PETROSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evelyn Julia Petrosky in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 650-86

DAVID DEAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Dear in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 29, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 651-86

CLIFFORD FOWKES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clifford Fowkes in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION 652-86

RONALD F. PEART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald F. Peart in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 653-86

DORIS CHARLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Doris Charles in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 654-86

ALICIA BONNETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alicia Bonnet in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 655-86

ERLINDA C. CLAUDIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Erlinda C. Claudio in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 656-86

PABLO A. ILAGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pablo A. Ilagan in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 657-86

SUSANA CABRERA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susana Cabrera in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 9, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 658-86

LIBRADO J. GONZALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Librado J. Gonzales in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 659-86

ROBERT SACHS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Sachs in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 660-86

JONATHAN ROBERT HEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Robert Hee in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner David Sanchez announced that The Police Commission met in a Closed Session this afternoon, in an Attorney-Client Conference, no vore was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan said the report he would make tonight deals with the City's Board of Permit Appeals overturning the Department's denial of a permit for The Stone's Night Club to operate as a Caberet from 2 AM to 6 AM. He said as part of their decision The Board said The Stone's would have to hire 12 Security Guards, some for inside and some for outside to help with policing of the area and to provide extensive clean up of litter in the 400 block of Broadway where the nightclub is located. He said as it now stands it is a drain on police services as it takes about 28 officers, on loan, every weekend to maintain some semblance of order with traffic congestion, litter, alcohol and drug use and various complaints from the neighborhood.

He said the Department will continue to monitor the area and try to find or restore some sense of balance in efforts to work with the nightclubs and community who are seeking additional police services at all times. He said the new parking regulations are going to be effective starting this Friday night and there will be no left turns on Broadway from 9 PM to 4 AM. He said he hopes this will make some difference in terms of the congestion that currently exist at that location. He said he would put forth a letter to the Board of Permit Appeals asking for a one (1) year extension for that Stone's after hours permit in order to continue to monitor them in terms of types of police problems, calls for police services, and what the cost factors are in regards to police expenditures for normal on duty and overtime hours, to see if it is cost effective to provide this amount of service. He said for the record it should be noted that the San Francisco Police Department is not anti-rock music or anti-rock culture but merely attempting to try and find some balance for people who live in the area so that they may find some peace and tranquility between 2 AM and 6 AM.

POLICE COMMISSION DISCUSSION AND POSSIBLE DECISION ON THE PROPOSED AMENDMENTS TO THE OFFICE OF CITIZENS COMPLAINTS INVESTIGATIVE HEARING RULES

Commissioner David Sanchez said The Commission, at last week's meeting, did hear a great deal of public testimony pertaining to both proposed amendments on this matter and for this Meeting, The Commission had said that it would have Police Commission discussion only, but, publicly in this forum. He said because of the significance of the procedures, and because one of the Commissioners has to leave almost immediately, a request to hold it over to July 10th on motion from Commissioner Louis Giraudo and second by Commissioner Owen Davis is open for discussion. As no further discussion was necessary it was unanimously approved to be continued to Thursday, July 10, 1986 at 5:30 p.m.

RE-HEARING ON THE PETITION OF VETERANS TAXICAB COMPANY vs. SPECK CAB COMPANY - CONTINUED TO JULY 10th

Commissioner Sanchez said there has been requests submitted by the City Attorney, the Taxicab Association and others involved in this matter for a continuance to July 10, 1986. Commissioner Davis said in view of all those requests for a continuance he wouLd so move for a continuance to July 10th. Commissioner Juanita Owens seconded and it was unanimously approved. At this time Commissioner asked to be excused.

HEARING OF POLICE OFFICER MARIO F. CEBALLOS, TARAVAL STATION

RESOLUTION NO. 618-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Mario F. Ceballos, Taraval Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Mario F. Ceballos be continued to June 19, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Mario F. Ceballos, Taraval Station, is set for Thursday, June 19, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

HEARING OF POLICE OFFICER RICHARD P. WALLETT, TRAFFIC DIVISION

RESOLUTION NO. 619-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Richard P. Wallett, Traffic Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Richard P. Wallett be continued to June 19, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Richard P. Wallett, Taraval Station, is set for Thursday, June 19, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

HEARING OF POLICE OFFICER MARK S. PORTO, CENTRAL STATION

RESOLUTION NO. 620-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Mark S. Porto, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Mark S. Porto be continued to June 19, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Mark S. Porto, Central Station, is set for Thursday, June 19, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

REVISED DEPARTMENT GENERAL ORDER P-4, "RESIDENCE CERTIFICATION"

RESOLUTION NO. 625-86

RESOLVED, that The Police Commission hereby approves revised Department General Order P-4, "Residence Certification".

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

NOTIFICATION AND FILING OF CHARGES AGAINST SERGEANT DAVID D. DUGGER, PARK STATION

RESOLUTION NO. 621-86

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Sergeant David D. Dugger, Park Station, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Sergeant David C. Dugger, Park Station, is set for Thursday, July 17, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

REVISED DEPARTMENT GENERAL ORDER F-1, "FIREARMS USE POLICY AND PROCEDURE" - APPROVED

RESOLUTION NO. 610-86

RESOLVED, that The Police Commission hereby adopts Revised Department General Order F-1, "Firearms Use Policy and Procedure.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

REQUEST OF THE POLICE DEPARTMENT THAT THE POLICE COMMISSION AUTHORIZE THE ACCEPTANCE OF A CHECK IN THE AMOUNT OF $1,820.00 FROM THE SAN FRANCISCO POLICE OFFICERS' ASSOCIATION TO BE UTILIZED IN THE INSTALLATION OF A COMPUTER/TAPE PLAYER IN A DEPARTMENT VEHICLE FOR SAFETY TALKS TO CHILDREN

RESOLUTION NO. 609-86

RESOLVED, that the request of the Police Department to accept a gift in the amount of $1,820.00 from the San Francisco Police Officers' Association to be utilized for installation of a computer/tape player in a department vehicle for safety talks to children, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS ADOPTION OF LEGISLATION AMENDING THE POLICE CODE TO PROVIDE FOR LICENSING OF DEALERS IN ALL TYPES OF FIREARMS; PROVIDE FOR LICENSING OF PERSONS DEALING IN FIREARMS AMMUNITION; PROVIDE FOR CHIEF'S REGULATIONS FOR DEALERS IN FIREARMS AND AMMUNITION; PROVIDING FOR VIOLATION OF THOSE REGULATIONS AS GROUNDS FOR PERMIT REVOCATIONS; AND AMENDING THE WAITING PERIOD FOR DELIVERY OF PISTOLS AND REVOLERS TO CONFORM TO STATE LA

RESOLUTION NO. 608-86

WHEREAS, the State of California has not acted to occupy the field of licensing of dealers in firearms and firearms ammunition; and,

WHEREAS, under the constitution of the State of California the City and County of San Francisco may make and enforce within its limits local police ordinances and regulations not in conflict with general law; and,

WHEREAS, public safety demands effective regulation of the commerce in deadly weapons and their ammunition within the City and County of San Francisco; and,

WHEREAS, current law provides for the form but not the structure of this area of commerce; and,

WHEREAS, such regulatory structure is commonly and properly formed through the promulgation and enforcement of Regulations adopted by the Chief of Police; and,

WHEREAS, local ordinance is at variance with state law in the prescribed waiting period for delivery of pistols and revolvers to purchasers; therefore be it

RESOLVED, that amendment of Part II, Chapter VII, Article 9, of the San Francisco Municipal Code (Police Code) by amendment of Sections 613, 613.1, 613.3, 613.4, 613.5, 614, and 615, thereof providing for the licensing of firearms dealers, and licensing of storage and sales of firearms ammunition and,

to conform the local waiting period for delivery of pistols and revolvers to current state law; addition of Section 613.01 thereto, to provide for the adoption by the Chief of Police of Regulations for Dealers in Firearms and to make violations of those regulations grounds for revocation of permits granted dealers in firearms be, and hereby is, recommended to the Honorable Board of Supervisors for passage into law.

AYES: Commissioners Davis, Giraudo, Nelder Sanchez
ABSENT: Commissioner Owens

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER WILLIAM M. BRAY, SOUTHERN STATION

RESOLUTION NO. 626-86

WHEREAS, the hearing of the appeal of the Chief's suspension of Officer William M. Bray, Southern Station, was called it having been set for this date, and

WHEREAS, Police Officer William M. Bray appeared in person and was represented by Police Officer Dan Linehan, Southern Station, and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department, and

WHEREAS, an opening statement was made by Mr. Jerry Akins for the Prosecution, and

WHEREAS, an opening statement was made by Officer Dan Linehan for the Defense, and

WHEREAS, after receiving written and verbal evidence, it is The Commission's ruling that the Chief's suspension of Officer William M. Bray is not sustained; therefore be it

RESOLVED that the one day suspension of Officer William M. Bray imposed by the Chief of Police is hereby dismissed.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

HEARING OF POLICE OFFICER MICHAEL I. CAPLAN, CENTRAL STATION (CONTINUED FROM MEETING OF JUNE 5, 1986)

RESOLUTION NO. 626-86

WHEREAS, the hearing of Police Officer Michael I. Caplan, Central Station, was called, it having been continued from the meeting of May 15, 1986; and

WHEREAS, due to circumstances necessitating the proposed absence of Commissioners Alfred Nelder and David Sanchez, the matter was continued to June 19, 1986; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael I. Caplan, Central Station, be continued to Thursday, June 19, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

THE MEETING WAS THEREFORE ~~ADJOURNED~~ AT 7:30 P.M.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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19 JUNE 1986 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, June 19, 1986 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Owens, Davis, Giraudo
ABSENT: Commissioners Nelder, Sanchez

Commissioner Louis Giraudo presiding.

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APPROVAL OF CONSENT CALENDAR

Approval of Minutes of the Meeting of May 8, 1986, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 671-86

BENTON WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benton Wong in the sum of $70.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 30, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 672-86

DEBORAH M. PROSSER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah M. Prosser in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 673-86

FRANK E. FARIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank E. Faria in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION 674-86

PAUL E. TUCKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul E. Tucker in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 675-86

ALDRICH COCHRAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aldrich Cochran in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 3, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 676-86

VINCENT KWAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vincent Kwan in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 15 or 16, 1986

AYES: Commissioners Davis, Giraudo, Owens,
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 677-86

FRED MARKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fred Marker in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 678-86

CLIFFORD K. FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clifford K. Fong in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 679-86

KELLIE M. KANADY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kellie M. Kanady in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 15, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 680-86

JOHN J. CARNEVALINO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John J. Carnevalino in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 681-86

JEFF SKOVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeff Skover in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 20, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 682-86

JOSH MACKLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Josh Mackles in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 683-86

BRADLEY S. CROSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bradley S. Cross in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 684-86

HALMAR GOMEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Halmar Gomez in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 685-86

AMIR TALEBI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amir Talebi in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 686-86

ARINA ISAACSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arina Isaacson in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 687-86

TAMAR WISE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tamar Wise in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1985

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 688-86

JOHN BULAWSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Bulawsky in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 9, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 689-86

DOLORES REYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dolores Reyes in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17 or 18, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 690-86

BRIAN CASEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian Casey in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 11, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 691-86

JAMES PATRICK GORAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Patrick Goray in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 29, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 692-86

CAROLYN DIETZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Dietz in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 693-86

CHRISTINE SEARS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Sears in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 694-86

BINH M. NGUYEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Binh M. Nguyen in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 695-86

LEVON FILIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Levon Filian in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 696-86

SYLVESTER-LEROY TOLLIVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvester-Leroy Tolliver in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 697-86

DAISY LEE ROE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daisy Lee Roe in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Mah 15, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 698-86

MARY K. MILESKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary K. Mileski in the sum of $51.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 699-86

OLGA TALAMANTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Olga Talamante in the sum of $46.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 29, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 700-86

ABC TOWING (DAVID PIERCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (David Pierce) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 701-86

ABC TOWING (PEDRO PEREIRA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Pedro Pereira) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 702-86

EDWIN MEREL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edwin Merel in the sum of $23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1986

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner Louis Giraudo said the only thing he had to report is that he had the opportunity to spend some time this past weekend going into the wee-hours of the morning at Central Station and Broadway Street with a number of police officers, 28, who were on patrol Friday and Saturday night.

He said he was most impressed with the Police work that was being done and would commend Lieutenant Michael Yalon and Sergeant Dale Boyd and police officers who were dealing with a difficult situation over there. He said he was amazed by the calm and cool attitudes displayed by the policemen because they were dealing with and dispersing with situations that he himself would have great difficulty in handling.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one item he would like to bring to the attention of The Commission. He said it is the undercover Alcoholic Beverage Control Decoy Operation that the Department is working with utilizing 19 to 18 year old people who are actually going out and attempting to obtain, or purchase, Alcoholic Beverages from stores around different parts of San Francisco. He said primarily, for this week, there were 114 visits and 44 citations were issued which shows that this is a problem that needed to be addressed. He said the Department will continue to pursue this endeavor.

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER B-3, "EQUIPMENT " - APPROVED

Deputy Chief Willis Casey, Administration Bureau, said this Amendment to this General Order is simple on the face of it and requires an officer to wear a name plate on his uniform. Commissioner Juanita Owens moved for approval, it was seconded by Commissioner Owen Davis and unanimously approved.

RESOLUTION NO. 661-86

REVISED DEPARTMENT GENERAL ORDER B-3, "EQUIPMENT"

RESOLVED, that the Police Commission hereby approves revised Department General Order B-3, "Equipment".

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER R-1, "VEHICLE ACCIDENTS INVOLVING MEMBERS" - APPROVED

Deputy Chief Casey said that prior to coming to this meeting he met with the San Francisco Police Officers' Association and he would like to have it placed off calendar as it now involved a grievance which is currently in progress. Commissioner Davis said he would make the motion to place it off calendar, it was seconded by Commissioner Owens and unanimously approved.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER I-14, "TRAFFIC CITATIONS" - APPROVED

Deputy Chief Willis Casey, Administration Bureau, said this Department General Order calls for a relatively minor change and concerning the issuance of moving citations. He said the Amendment is that Patrol Special Officer's and their Assistants are not authorized to issue moving citation as they do not operate Emergency Vehicles. Commissioner Owen Davis then moved for approval, it was seconded by Commissioner Juanita Owens and unanimously approved.

RESOLUTION NO. 664-86

REVISED DEPARTMENT GENERAL ORDER I-14, "TRAFFIC CITATIONS"

RESOLVED, that the Police Commission hereby approves revised Department General Order I-14, "Traffic Citations".

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER P-11, "DISCIPLINE PROCESS (SWORN)" - APPROVED

Deputy Chief Casey said this is a brand new Department General Order and its main purpose is to take all of the existing Charter Legislation and past Department Rules, combine it and incorporate it into one Department General Order regarding the Discipline process. He said it covers defining admonishment, reprimanding suspension, Chief's Suspension and so on. Commissioner Davis motioned for approval, Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 665-86

DEPARTMENT GENERAL ORDER P-11, "DISCIPLINE PROCESS (SWORN)"

RESOLVED, that the Police Commission hereby approves Department General Order P-11, "Discipline Process (Sworn)".

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

REVISED DEPARTMENT GENERAL ORDER G-3, COURT PARKING PERMITS; ANNEX PARKING LOTS

RESOLUTION NO. 666-86

RESOLVED, that the Police Commission hereby approves revised Department General Order G-3, "Court Parking Permits; Annex Parking Lots".

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE AN AGREEMENT BETWEEN THE SAN FRANCISCO POLICE DEPARTMENT AND THE DALY CITY POLICE DEPARTMENT FOR USE OF OUR AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM - APPROVED

Deputy Chief Willis Casey said this Item was similar to the one Captain Henry Eidler presented to The Commission two weeks ago. He said Oakland Police Department and one other police department were approved for using the Department's Computer at that time. He said this measure would now add Daly City Police Department to the list subject to their paying a standardized fee. Commissioner Juanita Owens then moved for approval, seconded by Commissioner Owen Davis and unanimously approved.

RESOLUTION NO. 663-86

AUTHORIZATION FOR THE POLICE COMMISSION TO ENTER INTO AGREEMENT WITH DALY CITY FOR USE OF AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

WHEREAS, the City of Daly City requested permission to use the San Francisco Police Department Automated Fingerprint Identification System, and

WHEREAS, the Chief of Police has submitted for approval an agreement with Daly City setting forth the arrangements for use of the Automated Fingerprint Identification System equipment and containing mutual hold harmless agreements, and

WHEREAS, pursuant to Section 1.26-1 of the San Francisco Administrative Code, The Police Commission is authorized to enter into this agreement; therefore be it

RESOLVED, that the Police Commission for the City and County of San Francisco hereby approves the agreement for use of the Automated Fingerprint Identification System with the City of Daly City and authorizes the Police Department to enter into that agreement.

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

REQUEST OF OFFICERS DENNIS J. QUINN AND DENIS JOYCE FOR PERMISSION TO ACCEPT A REWARD OF $100.00 FROM THE SAN FRANCISCO CHRONICLE AND MR. ALLAN M. BAIRD FOR THEIR ASSISTANCE IN THE APPREHENSION OF A JUVENILE CAUGHT IN THE PROCESS OF STEALING FROM A NEWSPAPER VENDING MACHINE

RESOLUTION NO. 662-86

RESOLVED, that the request of Officers Dennis J. Quinn and Denis Joyce for permission to accept a reward in the total amount of $100.00 from the San Francisco Chronicle (Mr. Allan M. Baird) for their assistance in the apprehension of a juvenile caught in the act of stealing from a newspaper vending machine, be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

HEARING OF POLICE OFFICER MARIO F. CEBALLOS, TARAVAL STATION - (CONTINUED FROM MEETING OF JUNE 12, 1986)

RESOLUTION NO. 668-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Mario F. Ceballos, Taraval Station, was called it having been continued from the meeting of June 12, 1986; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Mario F. Ceballos be continued to July 17, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Mario F. Ceballos, Taraval Station, is set for Thursday, July 17, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

RESOLUTION NO. 669-86

HEARING OF POLICE OFFICER RICHARD P. WALLETT, TRAFFIC DIVISION (CONTINUED FROM MEETING OF JUNE 12, 1986)

RESOLUTION NO. 669-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Richard P. Wallett, Traffic Division, was called it having been continued from the meeting of June 12, 1986; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Officer Richard P. Wallett be continued to July 17, 1986; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Richard P. Wallett, Taraval Station, is set for Thursday, July 17, 1986 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

HEARING OF POLICE OFFICER MARK S. PORTO, CENTRAL STATION (CONTINUED FROM MEETING OF JUNE 12, 1986)

RESOLUTION NO. 670-86

WHEREAS, the date set for the hearing of disciplinary charges filed against Police Officer Mark S. Porto, Central Station, was called it having been continued from the meeting of June 12, 1986; and

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant Michael Yalon, Company A
Officer Laura Uhl, Company A
Officer Daniel Mahoney, Company A
Officer Robert Lee, Company A
Sergeant John Farnham, Company A

The following exhibits entered for identification on Thursday, June 5, 1986, were entered into evidence by the Prosecution:

Exhibits 1 through 7 and Exhibit 9

The following named witnesses appeared for the Defense, were sworn and testified:

Paramedic Dirk Van Wert, 135 Ivy Street, San Francisco, CA Officer Ricardo Galanda, Company A

The following exhibits were entered into evidence by the Defense:

Exhibit A City and County Pre-Hospital Patient Report C-Med No. B 4542 dated 04/11/86

After listening to testimony from the above parties, the matter was continued to Tuesday, June 24, 1986 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Owens
ABSENT: Commissioners Nelder, Sanchez

Recesses taken during the hearing of Officer Caplan:

7:01 p.m. to 7:08 p.m.
8:50 p.m. to 9:00 p.m.
9:55 p.m. to 10:00 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEREFORE ADJOURNED AT 10:05 P.M.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/sj